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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. CALIFORNIA GAMBLING
CONTROL COMMISSION**

**NOTICE OF INTENTION TO AMEND
THE CONFLICT-OF-INTEREST CODE OF
THE CALIFORNIA GAMBLING
CONTROL COMMISSION**

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The California Gambling Control Commission proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment makes a few non-substantive changes such as an update of the current address of the Commission and changing the titles of the Executive Secretary to Executive Director and Assistant Executive Secretary to Deputy Executive Director to conform to Gambling Control Act amendments.

This amendment makes several substantive changes to reflect the current organizational structure of the Commission. Appendix A has been reformatted and substantively changed from the current Code that was originally written in 2001 when there were approximately seven positions in total, four of them Commissioners. Most current positions were created after September 2001. The amended Appendix A replaces general job headings with specific position titles, and adds titles of new positions not covered in the 2001 Code for each respective division within the Commission, and assigns disclosure categories for each of the designated positions. Copies of the amended code are available and

may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than October 23, 2006 or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than October 6, 2006, by contacting the Contact Person set forth below.

The California Gambling Control Commission has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The California Gambling Control Commission has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the California Gambling Control Commission must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons that the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Herb Bolz
2399 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833
(916) 263-0490
hbolz@cgcc.ca.gov

**TITLE 10. DEPARTMENT OF
INSURANCE**

**NOTICE OF PROPOSED ACTION AND
NOTICE OF PUBLIC HEARING**

**RH05044654
September 8, 2006**

SUBJECT OF HEARING

A hearing will be held regarding the adoption of proposed amendments to regulations interpreting and making specific provisions of Insurance Code Section 758(c).

AUTHORITY AND REFERENCE

The Insurance Commissioner proposes to adopt specified portions of the subject regulations under the authority of Insurance Code Sections 758, 790.10, 12921, and 12926. The Commissioner's decision on the adoption of the amendments will further interpret and make specific provisions of Insurance Code Sections 758(c) and 790.

HEARING DATE AND LOCATION

Notice is hereby given that public hearings will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to these regulations as follows:

Date and time: **October 23, 2006
9:30 am***

Location: **Department of Insurance Hearing
Room
45 Fremont Street, 22nd Floor
San Francisco, CA 94105**

Date and time: **October 24, 2006
9:30 am***

Location: **Ronald Reagan State Office
Building
300 South Spring Street
Ground Floor Hearing Room
Los Angeles, California 90013**

*These hearings will continue on the dates noted until all testimony has been completed or 4:00 p.m., whichever is earlier.

**PRESENTATION OF WRITTEN AND/OR ORAL
COMMENTS; CONTACT PERSONS**

All persons are invited to present oral and/or written comments at the scheduled public hearings. Written comments not presented at the scheduled public hearings should be addressed to the following contact person:

Teresa R. Campbell, Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (925) 518-7057

Questions regarding the hearing, comments, or the substance of the proposed action should be addressed to the above contact person. If she is unavailable, inquiries may be addressed to the following backup contact person:

Tony Cignera, Division Chief, Consumer Services
Division
California Department of Insurance
300 South Spring Street, 14th floor
Los Angeles, CA 90013
Telephone: (213) 346-6360

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearings, must be received by the Insurance Commissioner, c/o the contact person at the address listed above, no later than **4:30 p.m. on October 24, 2006**. Any written materials received after that time will not be considered.

**COMMENTS TRANSMITTED BY
E-MAIL OR FACSIMILE**

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: campbellt@insurance.ca.gov. If you are sending a comment via e-mail in ODF format, please include a Word form of the document in addition to the PDF version. The Commissioner will also accept written comments transmitted by facsimile provided they are sent to the contact person listed above at the following facsimile number: (415) 904-5490. **Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline for written comments set forth above.**

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons

with sight or hearing impairments are requested to notify the contact person (listed below) for these hearings in order to make special arrangements, if necessary.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of Subchapter 4.5, Title 10, of the California Code of Regulations, in connection with their participation in this matter. Interested persons should contact the Office of the Public Advisor at the following address, in order to inquire about the appropriate procedures:

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
(916) 492-3559

A copy of any written materials submitted to the Public Advisor regarding this rulemaking must also be submitted to the contact person for this hearing, listed above. Please contact the Office of the Public Advisor for further information.

INFORMATIVE DIGEST

SUMMARY OF EXISTING REGULATIONS AND POLICY STATEMENT OVERVIEW

Ins. Code section 758(c) requires any insurer that conducts an auto body repair labor rate survey to determine and set a specified prevailing rate in a specific geographic area to report the results of the survey to the Department of Insurance. The Department of Insurance is required to make the information available upon request. The statute, however, was unclear as to what constituted an auto body repair labor rate survey, what constituted a prevailing rate, what information had to be reported to the department, where the results of the survey should be reported, and how to obtain a copy of surveys submitted pursuant to the statute.

Title 10 of the Cal. Code of Regulation sections 2698.1, operative October 25, 2002, provided some guidance in these areas by defining "labor rate survey" and "prevailing auto body rate" as used in the statute. Section 2698.1 further provides a clarification of what information should be included in the results reported to the Department.

Although the current regulations provide some broad definitions, outline what information should be in-

cluded in the surveys, and provide a procedure for submitting the surveys to the Department of Insurance, based on the information, reports, and complaints we have received from consumers, insurers, and the auto body industry, there are several areas that require further clarification. For example, because there is no standard methodology specifically outlined in the statute (i.e. should insurers use the average rate of the shops surveyed or the median of rates obtained by survey), the surveys tend to produce inconsistent results, creating confusion when the insurers rely on the results to support their adjustment of the body shop estimate as reasonable within the meaning of CCR 2695.8(f) of the Fair Claims Settlement Practices regulations. As a result of the labor rates disputes that arise, the consumer is often placed in a position where they have to pay the difference between the shops labor rate and the rate the insurer will pay before the body shop releases the car. The proposed amendments will further define specific terms and more clearly set out the purpose and use of the surveys.

The Commissioner has determined that the adoption of an amendment to the existing regulations is necessary in order to effectively administer Insurance Code Sections 758(c) and 790. The regulations would do the following:

- 1) Further define "labor rate survey" and "prevailing auto body rate."
- 2) Outline what additional information must be included in labor rate survey results reported to the Department of Insurance and where those results should be sent.
- 3) Clarify the criteria, purpose and use of each type of survey identified in the regulations.
- 4) Clarify how to request labor rate survey results submitted to the Department of Insurance.

The specific purpose of each adoption and amendment, and the rationale for the determination that each adoption and/or amendment is reasonably necessary to carry out the purpose for which it is proposed, together with a description of the public problem, administrative requirement, or other condition or circumstance that each adoption is intended to address, is set forth below.

EFFECT OF PROPOSED ACTION

The major effects of the regulations are as follows:

Proposed section 2698.91(a): (Amend)

Existing 2698.91(a) defines the term "auto body repair labor rate survey" as used in Ins. Code section 758(c). The proposed amendment would make the definition apply to the term "survey" as well. Additional language and punctuation changes have been made for clarification and consistency purposes. The change to

this section is necessary to further define and clarify these terms in order to assist the reader in understanding the statute and regulations.

Proposed section 2698.91(b): (Amend)

Existing 2698.91(b) defines “prevailing auto body rate” as employed in Ins. Code section 758(c). Confusion has arisen regarding the current definition. The proposed amendment clarifies the definition by more specifically describing the term. Webster’s New World Dictionary, Third College Edition (1991), defines “prevailing” as “predominant. . . .widely existing. . . .prevailing”. The proposed definition clarifies that “prevailing auto body rate” means the rate at or below which, the majority of surveyed shops charge in a geographic area. Further, in order that the rate described above does not fall below the average of rates in an area, the prevailing rate must be at least equal to or greater than the average rate. Additional language and punctuation changes have been made for clarification and consistency purposes. The change to this section is necessary to further define and clarify these terms in order to assist the reader in understanding the statute and regulations.

Proposed section 2698.91(c): (Amend)

Existing 2698.91(c) requires the insurer to provide a description of what geographic areas were surveyed, a description of the methodology used to reach the prevailing rate, and the prevailing rate established for each geographic area surveyed. This information provides a context for the information specifically outlined in the statute. The proposed amendment further requires that the submitting insurer provide the labor rate charged by each particular shop surveyed, the total number of shops that responded to their survey, and the date the survey was completed.

Additional language and punctuation changes have been made for clarification and consistency purposes. The change to this section is necessary to further clarify the statutory provisions and for organizational purposes and consistency.

Current section 2698.91(d): (Repeal)

This section is repealed, as the submission requirements to the Department have been clarified in the adoption of proposed section 2698.91(f).

Proposed section 2698.91(d): (Adopt)

The proposed adoption of 2698.91(d) is intended to clarify the distinction between public information, as described in section 2698.91(c) and non-public information. The non-public information required to be submitted to the Department includes the (1) the labor rate reported by each shop that responded to the survey; (2) the name and address of each shop sent a survey, but that did not respond to the survey, reported for each geo-

graphic area surveyed; and (3) a copy of the survey questionnaire used to survey the auto body repair shops.

Proposed section 2698.91(e): (Adopt)

This adoption clarifies the requirement that the survey must be conducted in writing or the insurer must maintain written records of the information gathered by any method other than writing. Upon request, the department shall have access to all records, data, computer programs, or any other information used by the insurer or any other source to determine geographic area labor rate information. This adoption is necessary to ensure that the Commissioner is able to obtain and review the documentation to ensure that the surveys were conducted in compliance with the standards set forth in these regulations.

Proposed section 2698.91(f): (Adopt)

This proposed section sets forth the submission requirements that insurer must adhere to when submitting the surveys to the department. The change to this section is necessary to better implement the statutory provisions and simplify the submission and publication of the statutory requirements.

Proposed section 2698.91(g): (Re-letter and Amend)

Existing 2698.91(e) sets out the procedure for making copies of the surveys available to the public. Minor changes have also been made to complete the citation to the California Public Records Act. This section is re-lettered to section 2698.91(g) and amended to further clarify what information will be made public and what information will not be made public.

Proposed section 2698.91(h): (Adopt)

This new section declares that an insurer shall not use any discounted rates, obtained from Direct Repair Program (DRP) shops, in its surveys. This adopted section clarifies the Department’s position that a survey is not reliable if it contains labor rates that are artificially low and that do not reflect the retail market for auto body repairs that consumers, who do not have DRP arrangements, must pay for repairs.

Proposed section 2698.91(i): (Adopt)

The proposed section clarifies the primary purpose of a survey submitted pursuant to Insurance Code section 758, which is to inform the public about the prevailing labor rates charged in a specific geographic area, and to provide insurers with a starting point in negotiating labor rates with auto body repair shops. It further clarifies that a survey shall not be used to cap or reduce the labor rate charged on an estimate or repair order prepared by the claimant’s chosen auto body repair shop or support the reasonableness of insurers’ adjustment of a written estimate provided by a claimant pursuant to section 2695.8(f)(3) of California Code of Regulations, Title 10, Chapter 5, Subchapter 7.5, except as provided in

Section 2698.92 of these regulations. This amendment is necessary to describe the limited purpose of a survey submitted pursuant to Insurance Code section 758 in order to distinguish it from the purpose and scope of a survey conducted pursuant to proposed section 2696.92.

Proposed section 2698.91(j): (Adopt)

This proposed section is intended to clarify that nothing in these regulations shall be construed to require an insurer to pay more than the amount necessary to perform workmanlike repairs.

Proposed section 2698.91(k): (Adopt)

The proposed amendment clarifies that nothing in these regulations prohibits an insurer from voluntarily negotiating or contracting with an auto body repair shop for a specific labor rate. The change to this section is necessary to clarify the statutory provisions.

Proposed section 2698.91(l): (Adopt)

Insurance Code Section 758(c) does not require an insurer to conduct a labor rate survey. The proposed amendment clarifies this legislative intent in stating that nothing in these regulations shall require an insurer to conduct an auto body labor rate survey.

Proposed section 2698.91(m): (Adopt)

The Bureau of Automotive Repair does not require auto body repair shops to post the labor rates they charge to customers. Also, in some cases, where auto body repair shops do post a labor rate, these shops do not charge this posted rate on any consistent basis. The purpose of this amendment is to recognize this reality and clarify that insurers are not required to use a shop's posted labor rate, unless that shop charges its posted labor rate on a consistent basis.

Section 2698.91 (Note):

The "Note" for this section is amended to add the reference cite for Insurance Code section 790.03, as the Unfair Practices Act is the basis for the department's regulation of how surveys are conducted is based upon the premise that these surveys should be reliable, fair and reasonable. Also, Section 2695.8(f)(3) of California Code of Regulations, Title 10, Chapter 5, Subchapter 7.5. (Fair Claims Settlement Practices Regulations) was added as this section was referenced in our proposed section 2698.91(i).

Proposed section 2698.92(a): (Adopt)

This section is adopted in order to set forth additional standards and processes that would result in a more reliable survey, than a survey conducted pursuant to the minimal standards of a survey conducted pursuant to Insurance Code Section 758(c). The additional standards set forth in this new section (2698.92), are based upon the authority granted under Insurance Code Section 790.10. This proposed amendment seeks to set forth the method by which an insurer may support its

compliance with Insurance Code section 790.03(h)(5) and the associated Fair Claims Settlement Practices Regulations section 2695.8(f)(3), which requires insurers to reasonably adjust an estimate prepared by the claimant's shop. If an insurer chooses to conduct a survey pursuant to this newly adopted section, the Department may consider this survey in determining whether an insurer has offered a fair and reasonable claims settlement. As these may be some differences in the standards or requirements of a survey conducted pursuant to section 2698.91 and section 2698.92, additional language is adopted to clarify that in instances where the standards in this section and Section 2698.91 conflict, the provisions of this section shall supersede the provisions of Section 2698.91.

Proposed section 2698.92(b): (Adopt)

The Department recognizes that overhead and other costs that determine a labor rate may change over time. Survey data may become stale and not properly represent the going market rate for repairs. This subsection is proposed to set forth the standard that, unless otherwise authorized by the Department, a survey compliant with this section must be submitted to the Department no less than annually.

Proposed section 2698.92(c): (Adopt)

According to the Bureau of Automotive Repair, there are approximately 5,000 automotive repair dealers licensed to perform automobile collision repair services in this state. Given this relatively low number of shops, especially when broken down into smaller geographic areas, surveying too few shops would result in an unreliable prevailing rate for any given area. This subsection is adopted to ensure that all qualified shops be surveyed to ensure the most accurate and reliable results. This language also reduces the possibility that the shops with known lower labor rates are used in a survey to the detriment of higher (but still reasonably) priced shops. To be a statistically valid survey, the insurer must survey, or send a survey questionnaire to, all known auto body repair shops licensed by the Bureau of Automotive Repair in a specific geographic area. All shops that respond to the survey, and which meet the standards set forth in subsection 2698.92(f) of these regulations, shall be used to determine the prevailing auto body rate in that geographic area.

Proposed section 2698.92(d): (Adopt)

This subsection is proposed to ensure that repair facilities, which may not be duly licensed by the Bureau of Automotive Repair, should not be used in the survey. Also, this subsection shall not require an insurer to verify the licenses status of surveyed shops with the Bureau of Automotive Repair, in cases where the survey questionnaire or survey format asks the repair shop to

respond as to whether it is duly licensed to perform auto body collision repairs in this state.

Proposed section 2698.92(e): (Adopt)

The general premise is that shops that do not have all the standard equipment necessary to effect proper repairs may charge rates below the market rate due to cheaper operating costs. This subsection is intended to ensure that shops that do not meet certain standards shall not be used in a labor rate survey. An insurer may only use labor rates in a survey reported by shops that meet the enumerated specific standards. These standards were obtained from (1) the equipment requirements for auto body repair shops, as required by the Bureau of Automotive Repair and as described in California Code of Regulations, Title 16, Division 33, Chapter 1, Article 6, Section 3351.5, Equipment Requirements for Auto Body Repair Shops; and (2) the "Minimum Recommended Requirements for a "Class A" Collision Center", as published by the Collision Industry Conference (CIC) in 2005. This subsection also recognizes that it would be burdensome on insurers if required to inspect each surveyed shop to determine if it meets these specific criteria. Therefore, additional language permits an insurer to ask the repair shop in the survey whether it meets the specifically identified standards. Lastly, language is added to clarify that these standards are only to be used to determine which shops' labor rates may be included in a survey and it must not be used to prohibit a shop from performing repairs on a vehicle. Insurance Code Section 758.5 provides that all claimants have a right to have their vehicle repaired in the shop of their choice. The fact that a shop does not meet these standards should not be construed as permission for insurers to imply that the shop is inferior or should not be used by the claimant to perform repairs.

Proposed section 2698.92(f): (Adopt)

This subsection adds the additional standard that the survey results shall contain the labor rate amount charged by each particular shop that responded to the survey. The purpose of this subsection is to provide the Department with sufficient information it needs to verify the accuracy of the survey conducted by the insurer. This information will be considered non-public information and will not be subject to public disclosure, as described by these regulations in section 2698.91(g).

Proposed section 2698.92(g): (Adopt)

The purpose of this subsection is to clarify that the "prevailing auto body rate", as defined in Section 2698.91(b), of these regulations, is the same standard that shall apply for a survey conducted pursuant to this section. Further, the department recognizes that other methods may result in fair and reasonable settlement offers. Therefore, this subsection also permits other meth-

ods, but only after review and approval by the Commissioner.

Proposed section 2698.92(h): (Adopt)

This subsection clarifies that the additional data and survey information provided in accordance with this section shall not be the subject of a Public Records Act request, pursuant to the California Public Records Act, Government Code section 6250 et seq. The additional intent of this subsection is to provide a mechanism for compliance with Insurance Code section 758(c), on making a survey public, while acknowledging that the additional information is not subject to public disclosure.

Proposed section 2698.92(i): (Adopt)

This subsection clarifies that the geographic area must be based upon the specific description of each area as cited in subsection 2698.92(j).

Proposed section 2698.92(j): (Adopt)

This subsection defines each geographic area zone. The purpose is to ensure consistency and reliability among insurers in their surveys.

Proposed section 2698.92 (Note): (Adopt)

The Note is proposed to add the Authority cites for Sections 758, 790.03, 12921, and 12926, Insurance Code and Reference: Sections 758 and 790.03, Insurance Code; Section 6250–6276.48, Government Code; and Section 2695.8(f)(3) of California Code of Regulations, Title 10, Chapter 5, Subchapter 7.5.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed amendments to the regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COST OR SAVINGS TO STATE/LOCAL AGENCY OR SCHOOL DISTRICT OR IN FEDERAL FUNDING

The Commissioner has determined that the proposed amendments to the regulations will result in no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has made an initial determination that the proposed amendments to the regulations do not have a significant, statewide adverse economic impact directly affecting business or the ability of California businesses to compete with businesses in other states.

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR ENTITIES/BUSINESSES

The Commissioner is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

FINDING OF NECESSITY

The Commissioner finds that it is necessary for the welfare of the people of the state that the regulations apply to businesses.

EFFECT ON JOBS AND BUSINESSES IN CALIFORNIA

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of businesses, and the expansion of businesses currently operating in the state. The Commissioner does not foresee that the proposed amendments to the regulations will have an impact on any of the above but invites interested parties to comment on this issue.

IMPACT ON HOUSING COSTS

The matters proposed herein will have no significant effect on housing costs.

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purposes for which the regulations are imposed or would be as effective and less burdensome to affected private persons than the proposed regulations. The Commissioner invites public comment on alternatives to the regulations.

IMPACT ON SMALL BUSINESS

The Commissioner has determined that the proposed regulations do not significantly affect small businesses in that the regulations pertain primarily to insurers and do not require any significant action on the part of any auto body shop or other small business.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS

The Department has prepared an initial statement of reasons that sets forth the reasons for the proposed adoption of the amendments to the regulations. Upon request, the initial statement of reasons will be made available for inspection and copying. Written requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above. Upon request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Written requests for the final statement of reasons should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available for inspection and copying at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Insurance Commissioner's mailing list.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Find near the top of the page the major heading 'Protecting Consumers.' In this section, scroll down until you see the subheading 'BE INFORMED.' Click on the nearby 'Search for Proposed Regulations' link. When the search field appears,

enter 'RH05044654' (the Department's regulation file number for these regulations). Alternatively, search for the California Insurance Code number of a code section that the regulations implement (for instance, "758"), or search by key word (for example, 'labor rate'). Then, click on the "Submit" button to display links to the various filing documents.

To browse, click on the "Browse All Regulations" button new the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the "Auto Body Repair Labor Rate Surveys" link, and click it. Links to the documents associated with these regulations will then be displayed.

MODIFIED LANGUAGE

If the regulations adopted by the Department differ but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

TITLE 11. DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

NOTICE OF PROPOSED RULEMAKING

PROPOSED REGULATORY ACTION

Notice is hereby given that the Department of Justice (DOJ), Office of the Attorney General, proposes to add Article 1 (commencing with Section 100), Article 2 (commencing with Section 200), Article 3 (commencing with Section 300), Article 4 (commencing with Section 400), Article 5 (commencing with Section 500), Article 6 (commencing with Section 600), Article 7 (commencing with Section 700), Article 8 (commencing with Section 800), and Article 9 (commencing with Section 900), to Chapter 17 of Division 1 of Title 11, California Code of Regulations, which authorizes a county recorder, upon approval by resolution of the board of supervisors, to establish an electronic recording delivery system for the delivery for recording specified digitized and digital electronic records. The Attorney General is responsible for the system certification, regulations and oversight.

PUBLIC HEARING

The DOJ will hold a public hearing from 9:00 a.m. to 12:00 p.m. on October 24, 2006 at the Water Resources

Building located at 1416 Ninth Street, Sacramento, CA 95814 in the auditorium located on the ground level. The auditorium is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The DOJ requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the DOJ. The written comment period closes at 5:00 p.m. on October 24, 2006. The DOJ will consider only comments received at the DOJ office by that time.

For convenience purposes, a Written Comment(s) Form is available at the ERDS web page at <http://ag.ca.gov/erds1/index.htm> and can be downloaded and mailed, faxed or submitted electronically to the ERDS e-mail address listed below.

Submit comments to:

Terri Newby, Bureau Chief
Department of Justice — ERDS
P.O. Box 160526
Sacramento, CA 95816-0526
OR, FAX # (916) 227-0595, OR,
ERDS@doj.ca.gov

AUTHORITY AND REFERENCE

Government Code sections 27393 and 27395(f) authorizes the DOJ to adopt the proposed regulations, which would implement, interpret, or make specific section 27391 et. seq. of the Government Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

I. Introduction

The Electronic Recording Delivery Act of 2004 (Assembly Bill 578, Statutes of 2004, Ch. 621, § 2.) requires the Attorney General to develop, certify, regulate and oversee an electronic recording system. The purpose of the system is to allow County Recorders to establish a limited and specified type of electronic recording alternative for recording deeds and other instruments affecting title, rights or interest in real property in California.

II. Background

County Recorders are authorized to record written documents that transfer title to or impose liens on prop-

erty, or give a right to a debt or duty. (Govt. Code § 27320 et seq.) The recording process traditionally has involved the transmission of original paper documents. On January 1, 1997, Government Code section 27279(b) was amended to allow County Recorders to accept for recording digitized images of recordable instruments, in lieu of a written paper if certain conditions are met. County recorders may accept digitized images from any local, state or federal agency, so long as the technology used to create the image conforms to all applicable statutes regulating document reliability. (Govt. Code § 27279.) Presently, the county recorders of San Bernardino and Orange County may accept digitized images of recordable instruments where certain conditions are met. (Govt. Code § 27279.1.)

The Electronic Recording Delivery Act of 2004 (“Act”) was enacted “to develop a system to permit the electronic delivery, recording, and return of instruments affecting right, title, or interest in real property.” (Govt. Code § 27391.) In addition, the Act permits county recorders, under specified conditions, to accept and record “a digitized or digital electronic record that is an instrument of reconveyance, substitution of trustee, or assignment of deed of trust . . .” (Govt. Code § 27397.5.) The Act was intended to help reduce fiscal pressures on the counties, as evidenced in the Legislature’s rationale for characterizing the bill as an urgency statute:

“In order that county recorders may alleviate fiscal constraints by implementing electronic recording delivery systems at the earliest possible time, it is necessary for this act to take effect immediately.”
(AB 578, sec. 3.)

III. Existing Law

Under the Act, in order to establish an electronic recording system, a county recorder must be authorized by resolution of the board of supervisors and obtain system certification by the Attorney General. (Govt. Code § 27392.) Pursuant to Government Code section 27396, the Attorney General is charged with several obligations to monitor the security of an electronic recording delivery system in close cooperation with county recorders and public prosecutors. Among those:

- (1) local inspection and review of a County Recorder’s electronic recording delivery system. (Govt. Code § 27393(c).)
- (2) approval of computer security auditors. (Govt. Code § 27394(b).)
- (3) approval of software and other services. (Govt. Code § 27392(b).)
- (4) criminal records checks and requests for subsequent arrest notification. (Govt. Code § 27395.)

- (5) suspension of an electronic recording system. (Govt. Code § 27396.)
- (6) action seeking declaratory or injunctive relief, restitution for damages or economic loss, rescission, or other equitable relief for any violation of the Act or regulations adopted pursuant to the Act. (Govt. Code § 27396(b)(1).)

The Act provides the Attorney General with responsibility to adopt regulations, in consultation with interested parties, governing “the review, approval, and oversight” of the systems. (Govt. Code § 27393.) More specifically, Government Code section 27393(b) authorizes the Attorney General to promulgate the following:

- (1) Establishment of baseline technological and procedural specifications for electronic recording delivery system.
- (2) Requirements for security, capacity, reliability, and uniformity.
- (3) Requirements as to the nature and frequency of computer security audits.
- (4) A statement of a detailed and uniform definition of the term “source code” consistent with paragraph (7) of subdivision (b) of Section 27390, and as used in this article, and applicable to each county’s electronic recording delivery system.
- (5) Requirements for placement of a copy of the operating system, source code, compilers, and all related software associated with each county’s electronic recording delivery system in an approved escrow facility prior to that system’s first use.
- (6) Requirements to ensure that substantive modifications to an operating system, compilers, related software, or source code are approved by the Attorney General.
- (7) Procedures for initial certification of vendors offering software and other services to counties for electronic recording delivery systems.
- (8) Requirements for system certification and for oversight of approved systems.
- (9) Requirements for fingerprinting and criminal records checks required by Section 27395, including a list of employment positions or classifications subject to criminal records checks under subdivision (f) of that section.
- (10) Requirements for uniform index information that shall be included in every digitized or digital electronic record
- (11) Requirements for protecting proprietary information accessed pursuant to subdivision (e) of Section 27394 from public disclosure.

(12) Requirements for certification under Section 27397.5(c).

The Attorney General may promulgate any other regulations necessary to fulfill his or her obligations. (Govt. Code § 27393(c).) Additionally, Government Code section 27395(f) requires the Attorney General to promulgate by regulation and by agreement with the county recorder the definition of “secure access.” These regulations must be completed before any county may put its electronic recording delivery system into operation.

There is no existing, comparable federal statute or regulation.

IV. Committees Formed

Due to the complexity of security issues and the nature of the competing interests, the ERDS program established an Advisory Committee, in compliance with section 27393 of the Government Code, to ensure conformity with the direction taken by the ERDS program. The Advisory Committee met several times to review and comment on draft policies, procedures and requirements that were the basis for administering the electronic recording delivery system and the foundation for the regulations. The ERDS program also formed Subcommittees to further discuss and resolve issues that resulted from discussion at the Advisory Committee meetings. Once the draft policies, procedures and requirements were approved, the ERDS program completed the corresponding regulations, again allowing the Advisory Committee review and Subcommittee resolution of issues. The ERDS program has given interested parties on-going access to the regulatory materials in order to reduce the amount of comments during the OAL comment period. A list of Advisory Committee and Subcommittee meetings is provided below. In a further attempt to educate the ERDS program with industry practices, DOJ staff toured various Title entities and County Recorder offices with the intent to gain a better understanding of each operation. Additionally, DOJ staff has attended conferences as well as presented program updates to the various interested parties.

March 29, 2005 — Advisory Committee Meeting

May 9, 2005 — Subcommittee Meeting

May 18, 2005 — Subcommittee Meeting

July 28, 2005 — Subcommittee Meeting

November 11, 2005 — Advisory Committee Meeting

December 14, 2005 — Draft Policies, Procedures and Requirements Distribution

March 1, 2006 — Draft Policies, Procedures and Requirements Distribution

May 5, 2006 — Draft Policies, Procedures and Requirements Distribution

June 27, 2006 — Advisory Committee Meeting

July 7, 2006 — Subcommittee Meeting

August 3, 2006 — Subcommittee Meeting

V. Summary of Proposed Regulations

The regulations are divided into nine articles. Article 1 describes the scope of the regulations to establish the guidelines, procedures, and standards following the enactment of an electronic recording system (“system”). Article 2 defines the various terms used throughout the regulations. Article 3 sets out the fees under the regulatory scheme. Article 4 describes the fingerprinting and criminal record checks requirements administered by the California Department of Justice and required of specified individuals with access to a system. Article 5 establishes the minimum baseline technological requirements for a system. The regulations define the standards and provide guidelines in the areas of security, reliability, and uniformity. Article 6 outlines the certification requirements incumbent on County Recorders in order to obtain certification of their system. The regulations also specify the responsibilities of a County Recorder in administering and ensuring the security of a system. The regulations address the application process and application for substantive modifications of a system, change in County Recorder, and withdrawal of certification, and the replacement of certificates. Article 7 specifies the Computer Security Auditor criteria for certification and the application for certification process. The regulations also address the withdrawal of certification and the replacement of certificates. Article 8 specifies the Vendor of System Software criteria for certification and the application for certification process. The regulations also address the renewal, expiration, withdrawal of certification, and the replacement of certificates. Article 9 on audits and oversights specifies the Electronic Recording Delivery System Program’s responsibilities for oversight and regulation of a County Recorder’s system. The regulations describe the role of Computer Security Auditors and explain the use, type, format and requirements of audits. The regulations also address local inspections, incident reporting, and suspension and termination of certificates.

VI. Incorporation by Reference

Documents and forms that are incorporated by reference within these regulations are listed below (Title 1 California Code of Regulations, section 20(c)(3)).

Publications: To review, refer to: <http://csrc.nist.gov/publications/index.html> and <http://csrc.nist.gov/publications/nistpubs/index.html>

- FIPS 180–2, Secure Hash Standard (Change Notice)—Publication date: December 1, 2003

- FIPS 140-2, Security Requirements for Cryptographic Modules — Publication date: May 25, 2001, (Supercedes FIPS, PUB 140-1 dated January 11, 1994)
- FIPS 197, Advanced Encryption Standard (AES) — Publication date: November 26, 2001
- FIPS 198, The Keyed-Hash Message Authentication Code (HMAC) — Publication date: April 8, 2002
- Draft Special Publication 800-88, Guidelines for Media Sanitization — Publication date: February 3, 2006
- NIST Special Publication 800-63, Electronic Authentication Guideline: Recommendations of the National Institute of Standards and Technology (publication updated) — Publication date: April 2006 Version 1.0.2, document original release date June 2004
- SP 800-70, Security Configuration Checklists Program for IT Products—Guidance for Checklists Users and Developers — May 2005

Forms: All forms are contained within this package for reference.

- Request for Live Scan Service — BCII 8016 (Rev 04/01)
- Fingerprint Card — FD 258 — (Rev 05/11/99)
- Request for Exemption From Mandatory Electronic Fingerprint Submission Requirement — BCII 9004 — (03/05)
- No Longer Interested Notification — BCII 8302 — (Rev 03/05)
- ERDS Application for System Certification — ERDS 0001A — (Rev 07/06)
- ERDS Application for Sub-County System Certification — ERDS 0001B (06/06)
- ERDS Application for DOJ Computer Security Auditor — ERDS 0002 (Rev 08/06)
- ERDS Application for Vendor of ERDS Software Certification — ERDS 0003 (Rev 08/06)
- ERDS Attachment to ERDS 0002 — Computer Security Auditor Significant Experience Reference(s) — ERDS 0004 (06/06)
- ERDS Request for Replacement of Certificate and/or Documents — ERDS 0006 (Rev 08/06)
- ERDS Fax Transmission Cover Sheet — ERDS 0007 — (06/06)
- ERDS Change of ERDS Role — ERDS 0008 — (Rev 07/06)
- ERDS Attachment to ERDS 0003 — Vendor Application Form For Reference(s) — ERDS 0009 — (Rev 08/06)

- ERDS Application for Withdrawal — ERDS 0010 — (06/06)
- ERDS Statement of Understanding — ERDS 0011 — (Rev 07/06)
- ERDS Acknowledgement of Responsibilities — ERDS 0012 — (Rev 07/06)
- ERDS Request for Approval of Substantive Modification — ERDS 0013 — (Rev 07/06)

DISCLOSURES REGARDING THE PROPOSED ACTION

The DOJ has made the following initial determinations:

LOCAL MANDATE

- Mandate on local agencies and school districts: None

FISCAL IMPACT

- Cost to any local agency or school district for which 17500-17630 require reimbursement? None
- Other non-discretionary cost or savings imposed upon local agencies? None
- Costs or savings to any state agency? None
- Costs or savings in federal funding to the state? None

EFFECT ON HOUSING COSTS

None

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

None

It has been determined that because private sector participation is voluntary, they are not otherwise affected.

ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES

Adoption of these regulations will not:

1. Create or eliminate jobs within California
2. Create new businesses or eliminate existing businesses within California; or
3. Affect the expansion of businesses currently doing business within California

COST IMPACTS ON REPRESENTATIVE
PERSON OR BUSINESS

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

BUSINESS REPORT

Not applicable.

SMALL BUSINESS

The proposed action does not affect small businesses because participation by all parties involved is voluntary. The process of recording documents with a County Recorder may continue to be processed manually. Therefore, those businesses choosing not to participate with electronic recording shall continue with their current business practices.

ALTERNATIVES STATEMENT

In accordance with Government Code section 11346.5(a)(13), the DOJ must determine that no reasonable alternative considered by the DOJ, or that has otherwise been identified and brought to the attention of the DOJ would be either more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed regulations. Any person interested in presenting statements or arguments with respect to alternatives to the proposed regulations may do so during the written comment period.

CONTACT PERSONS

Please direct inquiries concerning the proposed administrative action to Terri Newby at (916) 227-3049. The backup contact person is Alberto Gonzalez at (916) 324-5369. The mailing address for these contact persons is:

Department of Justice — ERDS
P.O. Box 160526
Sacramento, CA 95816-0526

AVAILABILITY STATEMENTS

AVAILABILITY OF INITIAL STATEMENT OF
REASONS AND TEXT OF PROPOSED
REGULATIONS

The DOJ will have the rulemaking file available for inspection and copying throughout the rulemaking process. To view the publications listed in Section VI of the Informative Digest — Incorporation by Reference, within this document, due to the size of each document, access must be made by visiting <http://csrc.nist.gov/publications/index.html> and <http://csrc.nist.gov/publications/nistpubs/index.html>. The proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations (if any), forms and all information upon which the rulemaking is based are available at the DOJ — ERDS web page at <http://ag.ca.gov/erds1/index.htm>. You may also obtain copies by contacting the ERDS program at (916) 227-8907, by submitting your request to the above address or by visiting the DOJ at 4949 Broadway, Sacramento, CA, 95820.

15-DAY CHANGES

After considering all timely and relevant comments received, the DOJ may adopt the proposed regulations substantially as described in this notice. If the DOJ makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the DOJ adopts the regulations as advised. The DOJ will accept written comments on the modified text for 15 days after the date on which they are made available. Copies of any modified text will be available at the DOJ — ERDS web page at <http://ag.ca.gov/erds1/index.htm>. You may also obtain a written copy of any modified text by contacting the ERDS program at (916) 227-8907, by submitting your request to the above address or by visiting the DOJ at 4949 Broadway, Sacramento, CA, 95820.

AVAILABILITY OF FINAL STATEMENT
OF REASONS

Upon completion, the final statement of reasons will be available at the DOJ — ERDS web page at <http://ag.ca.gov/erds1/index.htm>. You may also obtain a written copy of any modified text by contacting the ERDS program at (916) 227-8907, by submitting your request to the above address or by visiting the DOJ at 4949 Broadway, Sacramento, CA, 95820.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in strikeout format (if any), as well as the Final Statement of Reasons once it is completed can be accessed through our DOJ – ERDS web page at <http://ag.ca.gov/erds1/index.htm>.

TITLE 14. FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 210, 215, 220, 713, 1050, 7071, 7380 and 8587.1, of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 210, 215, 220, 713, 1050, 1055, 7071, 7120, 7380 and 8586 of said code and Section 50 CFR Part 660, Subpart G, proposes to Amend sections 1.91, 27.60, 28.26, 28.27, 28.28, 28.29, 28.54, 28.55, 28.56, 28.58, 28.90, 701; amend and renumber sections 27.82 and 27.83; repeal sections 27.20, 27.25, 27.30, 27.35, 27.40, 27.42, 27.45, 27.50, 27.51, 27.52, 27.53, 27.67; and add Sections 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 28.48, 28.49, 28.51, 28.52, 28.53, 28.57, Title 14, California Code of Regulations, relating to recreational groundfish fishing.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

At its June meeting, the Pacific Fishery Management Council (PFMC) adopted final harvest levels, specifications, and management measures for groundfish fishing in federal waters (3–200 miles) for 2007–2008. In order to make the State’s regulations consistent with the new federal rules that will be established by NOAA Fisheries following the PFMC’s actions, the Department requests the Commission act to amend its regulations regarding recreational groundfish fishing in State waters, within three miles of shore. The new federal rules will become effective on January 1, 2007. There are 90 species of federal groundfish that are subject to these federal rules; almost all of which occur off California.

California’s recreational groundfish fishing regulations in Title 14, CCR include regulatory items that originate in the federal arena, as well as regulations established by the Commission for these same species. The state’s groundfish fishing rules also contain regulations for other species that closely associate with federal groundfish. The three species or species groups that are not federal groundfish, but are managed by the state in accordance with the federal groundfish rules, include greenlings of the genus *Hexagrammos*, California sheephead, and ocean whitefish.

As an example of how the state regulations are structured, the PFMC establishes fishing seasons for federal groundfish, but sets a bag limit for only some of the federal groundfish species. In some cases, the Commission has established a bag limit for these species in addition to the season determined by the PFMC. However, for purposes of organizational simplicity and clarity for the public, the state’s regulations combine all applicable rules for state waters, whether they are federal conformance items or not. Since Title 14 regulations are structured by species and fishing areas, the season and the bag limit for a particular species is embodied within the same section, regardless of whether the item is a “federal conformance” or a “Commission-initiated” regulation. The proposed recreational groundfish changes that the Department requests the Commission act on include both the conformance items and related items for these species that have previously been decided by the Commission.

1. New and Continuing State Groundfish Fishing Regulations Needed to Conform to Federal Regulations effective for 2007–2008

The following items were adopted by the PFMC and will result in federal regulations that will be effective in waters 3–200 miles off the California coast. The Department recommends the Commission adopt regulations on these same items that would apply for state waters 0–3 miles offshore, so that there is consistency between state and federal regulations:

- Groundfish fishing seasons and depth limits were adopted for all areas off California (see Figure below). In every region but the North Region, the proposed new seasons and allowable fishing depths represent an increase in fishing opportunities for anglers targeting recreational groundfish. Fishing seasons and depth constraints are needed to reduce impacts on overfished stocks. The seasons and depth structures differ by region based on prior recreational catch information, which is used to estimate potential impacts.

Recreational Groundfish Seasons by Region, 2007–2008

– = Closed to boat-based fishing for groundfish

Region	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sep	Oct	Nov	Dec	
North Region	---	---	---	---	> 30 fm Closed								
North Central	---	---	---	---	---	> 30 fm Closed							---
South Central - Monterey	---	---	---	---	> 40 fm Closed							---	
South Central - Morro Bay	---	---	---	---	> 40 fm Closed							---	
South Region	---	---	> 60 fm Closed										

- Because of their overfished status, the proposed regulations would continue to prohibit retention of cowcod, canary and yelloweye rockfish at all times and in all areas.
- The 2–fish limit on lingcod would continue, with a minimum size limit of 24 inches. Slight changes to the lingcod season structure are also proposed.
- The proposed changes would allow for an increase in the daily bag limit for greenling to two fish, within the 10–fish aggregate limit for rockfish, cabezon and greenlings (the “RCG Complex”). Under current regulations, catches of greenling (all species of the genus *Hexagrammos*) in 2004 and 2005 only reached 74% and 41%, respectively, of the allowed recreational harvest in California of 34,200 pounds.

Results of a Department bag limit analysis indicate that increasing the greenling limit from 1 fish per angler to 2 fish per angler would allow more of the TAC to be taken, but should not result in the TAC being exceeded. Greenlings are taken primarily by shore and private boat fishermen in Northern California. Increasing the bag limit would allow these fishermen to take home an extra greenling and potentially increase the chance of anglers attaining their 10–fish RCG bag limit.

- Daily recreational bag limits that are presently effective for all other species of federal groundfish were re–affirmed by the PFMC.
- Fishing opportunity for California scorpionfish would be allowed year–round in waters south of Point Conception, increasing the length of the 2006 open season by two months. In recent years, fishing for this species has been constrained to as few as three months per year. The proposed change is the result of favorable stock assessment results indicating the California scorpionfish stock can be more fully utilized than it was under a data–poor and thus precautionary management strategy.

- Exceptions to closed groundfish seasons and depth constraints that apply for Pacific sanddabs and some other species of flatfish are proposed to continue, along with the requirement that not more than 12 hooks that are size #2 or smaller be used to fish for these species during times and in areas where groundfish are closed.
- Slightly different regulations are proposed for starry flounder fishing as the result of a new stock assessment. While the stock appears to be healthy, because it has now been federally assessed, pursuant to the federal groundfish plan it no longer may be categorized with the “other flatfish” for which there is no management and no OY. Therefore, amendments to Section 1.91 are proposed in order to move starry flounder from the “other flatfish” category in subsection (a)(10) into the “federally–managed flatfish” category in subsection (a)(11). The practical effect of the change in designations is that starry flounder would no longer be subject to the exception which allows them to be taken outside of groundfish fishing seasons, or in waters deeper than where groundfish fishing is authorized.
- Waters of the Cordell Bank (off Marin County) shallower than 100 fathoms in depth would continue to be closed to fishing for groundfish at all times.

2. Proposed State–Initiated Items to Continue

The Department recommends the Commission continue existing regulations regarding the subject items that follow. The Department has determined that continuing these regulations is necessary 1) to achieve the federal Optimum Yields (OYs) within state waters, or alternatively, 2) that the regulation can be provided by the Commission as an exception to the federal rules, but will not jeopardize the attainment of the federal OYs in state waters. The federal OYs are set based on the best available biological and fishery data for species or groups of species of groundfish.

These special rules for California differ from the federal rules and apply within state waters only:

- The Department recommends continued alignment of sport fishing seasons and depth constraints for ocean whitefish, California sheephead and all greenlings of the genus *Haxagrammos* with the federally-established seasons and depths for groundfish. These species are known to co-occur with groundfish, and if fishing were permitted for these species in times and areas where groundfish are closed, interactions with groundfish could risk attainment of OYs.
- The Department recommends continuing the exception for leopard shark fishing in several bays and harbors throughout California. The exception allows year-round fishing for this species in designated areas only. The Department has previously evaluated the possible impacts of allowing leopard shark fishing when groundfish fishing is closed, and has determined that there is negligible risk posed relative to attainment of OYs for overfished groundfish species in state waters.
- The Department recommends continuing the prohibition on recreational fishing for federal groundfish in waters less than 10 fathoms in depth around the Farallon Islands to minimize interactions with seabirds. The measure was adopted by the PFMC in 2004, but cannot be implemented by NOAA fisheries as the agency lacks jurisdiction in this area, since these are shallow-water areas that fall completely within 0–3 miles of shore (exclusively state waters). Therefore, the Department recommends the Commission continue to include the prohibition in its regulations.

3. Proposed State-Initiated Items to Discontinue

The items in this grouping are not presently included in the federal regulations, and therefore, there was no action taken on them by the PFMC when it adopted the 2007–08 groundfish specifications. However, these items are presently included in the Commission’s regulations in state waters regarding federal groundfish. The Department recommends the Commission discontinue each of them.

- The Department proposes the Commission repeal the Finfish Transit Permit requirement specified in sections 27.67 and 701, Title 14, CCR, to simplify regulations. The permit requirement was established in 2001 at a time when groundfish fishing seasons off California differed dramatically. The permit allows sport fish that are legally taken in one Groundfish Management Area to be transported to an area that is closed to

take and possession. Because the groundfish regulations are now fairly similar in all areas, the Department believes the permit requirement is no longer necessary when balanced against the costs to issue, enforce, and explain the permit requirement to the public and to recreational anglers.

- The Department also proposes elimination of existing gear restrictions that apply to fishing for all non-groundfish species in the California Rockfish Conservation Area, in order to simplify regulations and improve enforcement. Presently, regulations in Section 27.83, Title 14, CCR, require use of not more than one hook and six ounces of weight when fishing for non-groundfish species in times or areas where groundfish fishing is closed. There are also numerous exceptions provided to this rule. These regulations were originally established in order to ensure attainment of federal OYs in state waters, however, there are no corresponding federal rules that require such constraints. Because the regulation and the exceptions have proven confusing to the angling public and difficult to enforce, and because it is not apparent that the measure is needed to attain federal OYs in state waters, the Department proposes the Commission eliminate the requirement.

4. Shore Based and Diver Exceptions — Commission Decision is Needed

In prior years, the Commission has provided two other state-initiated exceptions to the federal rules that apply in California waters only (see item 2 above), based on public comments received at its discussion hearings. The exceptions allow for: 1) take and possession of federal groundfish during closed seasons when angling from shore; and 2) divers to take federal groundfish during the closed seasons while spearfishing so long as they do not have fishing gear other than spear gear aboard their vessel or watercraft.

The reasons that proponents have suggested these exceptions can be provided by the Commission without jeopardizing attainment of federal OYs has varied over the years, depending on which species or species groups are most constraining. The Commission has been receptive and established the exceptions each year, usually in the interest of providing some additional opportunity to shore anglers who have stressed that they wish to see longer fishing seasons instead of larger allowable bag limits. In previous years, the PFMC has set federal groundfish fishing seasons that were as short as four months in some areas of the state, while bag limits remained at high levels. This decision by the PFMC to maintain higher bag limits in trade for shorter seasons

followed testimony from boat-based anglers who asserted that reduced bag limits would be cost-prohibitive, particularly for Commercial Passenger Fishing Vessels.

While the shore-based and diver exceptions provided by the Commission have afforded these sectors of the recreational fishery the additional opportunity they request, the Department is aware that the two exceptions are difficult to enforce, and add complexity to the groundfish regulations. Consequently, the provisions reduce the overall effectiveness of closed fishing seasons, which are established for the purpose of reducing impacts to overfished stocks. Furthermore, drafting the regulations with the precision needed to make them enforceable without opening additional loopholes has also proven difficult.

As a result, the Department requests that the Commission affirmatively decide if it wishes to continue with each of the exceptions to the recreational groundfish regulations for State waters, considering that the federally-established fishing seasons have increased to between six and ten months of the year depending on the location.

5. Proposed Non-Substantive Changes for Clarity and Enforceability

Additional organizational changes to Title 14 groundfish regulations are proposed to improve clarity and enforceability, based on public and Department-initiated comments on the existing regulatory language.

The proposed regulations would now be organized so that there is a separate section for each of six Groundfish Management Areas, where the specific seasons, depth constraints, special closures, special species restrictions and exceptions are defined that apply within that area (Proposed new sections 27.25 through 27.50). In previous years, regulations for all areas of the state have been lumped into the regulatory text of Section 27.82. The Department had received numerous comments that the Section was difficult for anglers to use, problematic for enforcement, and that it was not clear when certain provisions applied while others did not. Therefore, the proposed changes would split 27.82 into an all-purpose Section which includes the provisions that apply for all management areas (Section 27.20), and the six sections for each of the management areas that contain the specific season and depth regulations (sections 27.25 through 27.50).

In order for the sections of regulatory text regarding the groundfish management areas to appear in sequential order, the proposed regulatory amendments would relocate all groundfish management area regulations so that they commence with Section 27.20, under the heading of "Ocean Waters with Restricted Fishing."

If adopted, the new Section 27.20 will contain all definitions, general provisions and the procedural rules that apply generally to groundfish fishing seasons, depth constraints, and the process for making changes to any of the groundfish fishing regulations in-season. While there is some minor re-wording of these provisions proposed for clarity, there are no substantive changes proposed for these regulations (other than the changes made by the PFMC to the season structures and depth constraints). Regarding the present text of Section 27.20, which lists the Section's title, authority, and reference citations but contains no regulatory text (it was repealed in 2005), the title and authority/reference items would be repealed, and then the title, authority/reference and amended regulatory text of Section 27.82 would be substituted. Therefore, the proposed regulatory text shows that existing Section 27.82 has been both amended, and re-numbered.

Additionally, the remaining items listed in present regulations of sections 27.25, 27.30, 27.35, 27.40, 27.45 and 27.50 would be repealed and replaced with the groundfish season and depth regulations, special closures, and exceptions for the Northern Groundfish Management Area, the North-Central Groundfish Management Area, the Monterey South-Central Groundfish Management Area, The Morro Bay South-Central Groundfish Management Area, the Southern Groundfish Management Area, and the Cowcod Conservation Areas, respectively.

The proposed structural and organizational regulatory changes would also include amending and re-numbering the current regulations of Section 27.83, the California Rockfish Conservation Area (CRCA), to new Section 27.51. This change would allow the CRCA regulations to sequentially follow the management area regulations, which follows logically. The old title and authority/reference listings that presently appear for Section 27.51 would repeal.

The proposed amendments would also strike the remaining titles and authority/reference citations listed for section 27.42, 27.52 and 27.53; so that the Groundfish Management Area and CRCA sections of the regulations can all appear in sequential order without interruption.

Additionally, prior versions of the Title 14 regulatory language applicable to groundfish fishing made only a general reference to "federal groundfish." While the 90 species of federal groundfish are defined in Section 1.91 of Title 14, and reference is made to this Section repeatedly in the current regulatory text, there still appears to be difficulty on the part of the angling public in understanding that the season and depth regulations generally apply to all 90 species.

Reports indicated that it was not intuitively obvious to anglers that some species of fish, such as some sharks, skates, and flatfish, are included in the definition of “federal groundfish”, while other species are not. To address these concerns, the Department proposes adding new Title 14 sections for the remaining federal groundfish species that previously were not listed in a specific section. The addition of these sections is expected to improve clarity of the regulations that apply for each particular species of federal groundfish, as follows:

- Section 28.48 would be added to clarify regulations that apply to the take and possession of Pacific sanddab, rock sole, sand sole, butter sole, curlfin sole, rex sole, and flathead sole.
- Section 28.49 would be added to clarify regulations that apply to the take and possession of Dover sole, English sole, Petrale sole, arrowtooth flounder, and starry flounder.
- Section 28.51 would be added to clarify regulations that apply to the take and possession of spiny dogfish and soupfin shark.
- Section 28.52 would be added to clarify regulations that apply to the take and possession of big skates, California skates, and longnose skates.
- Section 28.53 would be added to clarify regulations that apply to the take and possession of ratfish, rattails and codlings.
- Section 28.57 would be added to clarify regulations that apply to the take and possession of Pacific cod, Pacific whiting, sablefish, and thornyheads.

It is important to note that although the above new sections are proposed for addition, the substance of the regulations themselves is not “new”. In effect, there is no change to regulations presently established in Section 27.82 that govern take and possession of these species. However, listing the species in specific sections is consistent with the organization of existing regulations for other federal groundfish and associated species. See: California sheephead (Section 28.26), lingcod (Section 28.27), cabezon (Section 28.28), greenlings (Section 28.29), California scorpionfish (Section 28.54), rockfish (Section 28.55) leopard shark (Section 28.56), and ocean whitefish (Section 28.58).

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Hubbs–Sea World Research Institute, Shedd Auditorium, 2595 Ingraham Street, San Diego, California, on Friday, October 6, 2006 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, rele-

vant to this action at a hearing to be held in the City Council Chambers, 777 Cypress Avenue, Redding, California, on Friday, November 3, 2006, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before October 27, 2006 at the address given below, or by fax at (916) 653–5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on November 1, 2006. All comments must be received no later than November 3, 2006, at the hearing in Redding, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sherrie Koell at the preceding address or phone number. **Ms. Marija Vojkovich, Marine Region, Department of Fish and Game, phone (805) 568–1246, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15–day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Modifying the state's regulations to conform to new federal rules is proposed to aid enforcement and improve clarity and public understanding.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

A minor but unquantified positive economic impact is expected to result from extended recreational groundfish fishing seasons and allowable depths beginning in 2007. Expected beneficiaries would be tackle retailers and sportfishing businesses, and those businesses related to tourism or boating which may enjoy some indirect benefits of increased opportunities.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 17. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY NOTICE OF PROPOSED RULEMAKING

TITLE 17, CALIFORNIA CODE OF REGULATIONS

ADDITION OF DIVISION 4, SECTION 96100

PESTICIDE ILLNESS REPORTING

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to establish regulations describing the data fields for reporting known or suspected pesticide-related illness or injury by adding Section 96100, Division 4, to Title 17 of the California Code of Regulations.

PUBLIC PROCEEDINGS

A public forum to present oral comments will be scheduled only upon request. Such request must be submitted in writing no later than 30 days before the close of the comment period on Monday, October 23, 2006. The written request must be sent to OEHHA at the address listed below no later than Friday, September 22, 2006. A notice for the public forum, if one is requested, will be posted on the OEHHA Web site at least ten days in advance of the forum date. The notice will provide the date, time, location and subject matter to be heard. Notices will also be sent to those individuals requesting such notification.

Any written statements or arguments regardless of the form or method of transmission must be received by OEHHA by 5:00 P.M. on October 23, 2006, which is hereby designated as the close of the written comment period.

Written comments regarding this proposed action may be submitted by email, mail or fax addressed to:

Joy Wisniewski
Office of Environmental Health Hazard Assessment
Pesticide and Environmental Toxicology Branch
P. O. Box 4010, MS 12B
Sacramento, California 95812-4010
FAX: (916) 327-7320
Telephone: (916) 327-7324

Comments sent by courier should be delivered to:

Joy Wisniewski
Office of Environmental Health Hazard Assessment
1001 I Street, 12th Floor
Sacramento, California 95814

Comments transmitted via email should be addressed to: jwisniew@oehha.ca.gov.

CONTACT

Please direct inquiries concerning the substance and processing of the action described in this notice to Joy Wisniewski, in writing at the address given above, or by telephone at (916) 327-7324. Robert Schlag is a back-up contact person for inquiries concerning processing of this action and is available at (916) 323-2624.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Health and Safety Code section 105200 requires physicians to report known or suspected pesticide poisonings to the local health officer (LHO) by telephone within 24 hours. The LHO then notifies the county agricultural commissioner of the case and submits a report within seven days to the Office of Environmental Health Hazard Assessment (OEHHA), the Department of Pesticide Regulation (DPR), and for work-related cases, to the Department of Industrial Relations (DIR). The law authorizes OEHHA to establish the form and content of the information to be used by the LHO to report the poisoning. The proposed regulatory action will define the information to be collected by the LHO and specify the technical means for reporting the data to the state. By having defined data fields, the LHO can guide the reporting physician on the types of information they should be acquiring from their patients. Collection of standardized data variables will allow for more efficient data exchange among local and state agencies.

Physicians and LHOs currently voluntarily use the OEHHA form entitled "Pesticide Illness Report" [OEH-PETS 004(Rev. 6/01), also called PIR] to report pesticide illnesses to state agencies. However, regula-

tions requiring the use of specific data variables for reporting purposes have not previously been promulgated.

AUTHORITY

Health and Safety Code Section 105200

REFERENCE

Health and Safety Code Sections 105200

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

OEHHA has determined the proposed regulatory action would not impose a new mandate on local agencies, as local health officers currently are required to report pesticide illnesses to the state. The proposed regulatory action will assist physicians and local health officers by requiring the use of standard reporting data variables. OEHHA has determined the proposed regulatory action would not impose any mandate on school districts nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

OEHHA has determined that no savings or increased costs to any State agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

OEHHA has determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

EFFECT ON HOUSING COSTS

OEHHA has determined that the proposed regulatory action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

OEHHA has made an initial determination that the adoption of the regulation will not have a significant

statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS/BUSINESSES

OEHHA has determined that the proposed regulatory action will not have any impact on the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

OEHHA is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESS

OEHHA has determined that the proposed regulation will not affect small business. The proposed regulation imposes pesticide illness reporting requirements on local government agencies.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), OEHHA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

OEHHA considered alternatives to listing the required data variables, specifically, referencing a set form in regulation. OEHHA believes that the proposed approach would more effectively meet the needs of the LHO and state programs, and would be more consistent with a performance-based regulatory approach.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the regulation, all the critical information upon which the regulation is based, and the text of the regulation. A copy of the Ini-

tial Statement of Reasons and a copy of the text of the regulation are available upon request from OEHHA at the address and telephone number indicated above. These documents are also posted on OEHHA's Web site at www.oehha.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on changed regulations and the full text will be mailed to individuals who testified or submitted written comments at the public hearing, whose comments were received by OEHHA during the public comment period, and who request notification from OEHHA of availability of such changes. Copies of the notice and the changed regulation will also be available at the OEHHA's Web site at www.oehha.ca.gov.

FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from OEHHA at the address and telephone number indicated above. The Final Statement of Reasons will also be available at the OEHHA's Web site at www.oehha.ca.gov.

TITLE 19. OFFICE OF THE STATE FIRE MARSHAL

The State Fire Marshal proposes to adopt the proposed regulations described below after considering all comments, objections or recommendations regarding the proposed action.

PUBLIC HEARING

The State Fire Marshal has not scheduled a public hearing on this proposed action. However, The State Fire Marshal will hold a public hearing if a written request is received from any interested party or their authorized representative no later than 15 days before the end of the 45-day comment period.

WRITTEN COMMENT PERIOD

The State Fire Marshal will accept written comments regarding this regulatory action until 5 pm on October 23, 2006.

Send mailed comments to:

OFFICE OF THE STATE FIRE MARSHAL
Attention: Kevin Reinertson
P.O. Box 944246
Sacramento, CA 94244-2460

Or by e-mail to

ProposedFireExtinguisherRegulation@fire.ca.gov

Or you may fax your comments to:

Attention: Kevin Reinertson
(916) 327-4998

AUTHORITY & REFERENCE

The State Fire Marshal is proposing this regulatory action pursuant to Health and Safety Code Section: 13160 with reference to 13160 – 13169, Health and Safety Code.

INFORMATIVE DIGEST — POLICY STATEMENT OVERVIEW

The State Fire Marshal proposes to repeal various Sections of Chapter 3, Division 1 of Title 19. The requirements contained in the proposed to be repealed sections are covered by other sections within Chapter 3, Division 1 of Title 19, which were added in a previous State Fire Marshal rulemaking.

Current Law requires the State Fire Marshal to administer the regulations and standards for the protection and preservation of life and property to control the servicing, including charging, and testing, of all portable fire extinguishers and for controlling the sale and marketing of all such devices with respect to conformance with standards of their use, capacity, and effectiveness.

The currently adopted State Fire Marshal regulations for portable fire extinguishers contain requirements which are duplicated within other sections of the regulations. By repealing the duplicate code sections, the State Fire Marshal will eliminate the confusion caused by having the same requirement appear in various sections of the code.

The State Fire Marshal utilized the Fire Extinguisher Advisory Committee to make recommendations regarding revising these regulations.

Proposed Title 19 Sections to be repealed

Sections 597.1, 597.2, 597.3, 597.4, 597.9, 603, 603.1, 603.2, 603.4, 603.5, 604, 604.1, 604.2, 604.3, 604.4, 604.5, 605, 605.2, 606, 606.1, 606.2, 606.4, 607, 607.1, 608, 608.1, 608.2, 608.3, 608.4, 608.5, 608.6, 609, 609.1, 609.2, 609.3, 609.4, 609.5, 609.6, 609.7, 610, 612, 613, 614.2, and 614.4

Proposed Title 19 Section to be renumbered

Section 597 is proposed to be renumbered Section 574.

DISCLOSURES REGARDING THE PROPOSED ACTION

The State Fire Marshal has made the following determinations:

1. Mandate on local agencies and school districts: **None**
2. Cost or savings to any other State agency: **None**
3. Cost to any local agency or school district which must be reimbursed in accordance with Government Code, Section 17561: **None**
4. Other non-discretionary cost or savings imposed upon local agencies: **None**
5. Cost or savings in federal funding to the State: **None**
6. Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other States: **None**
7. Cost impact on private persons or directly affected businesses: The agency is not aware of any cost impacts that a representative, private person or business would necessarily incur in reasonable compliance with the proposed action.
Adoption of these regulations will not:
 - a) create or eliminate jobs within California;
 - b) create new businesses or eliminate existing businesses within California; or
 - c) affect the expansion of businesses currently doing business within California.
8. Significant effect on housing costs: **None**

SMALL BUSINESS EFFECTS

The State Fire Marshal has made the initial determination that the amendments to these regulations will have no substantial effect to small businesses and the State Fire Marshal has not identified any alternatives that would lessen any adverse impact, if any, on small businesses.

CONSIDERATION OF ALTERNATIVES

The State Fire Marshal must determine that no reasonable alternative he considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed action.

The State Fire Marshal invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed regulatory action, or requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, or other information upon which the rulemaking is based may be directed to:

Kevin Reinertson
P.O. Box 944246
Sacramento, California 94244-2460
Telephone: (916) 327-4998
Fax: (916) 445-8459
E-mail: Kevin.reinertson@fire.ca.gov

Alternate Contact:

James Parsegian, Supervising DSFM
P.O. Box 944246
Sacramento, California 94244-2460
Telephone: (916) 445-8415
Fax: (916) 445-8458
E-mail: james.parsegian@fire.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Office of the State Fire Marshal will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office, shown above. As of this date, this notice is published in the Notice Register the State Fire Marshal rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons for the proposed action. The full text of the regulations, along with the final statement of reasons upon which the changes are based is available from the contact person as shown. Copies may be obtained by contacting Kevin Reinertson at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the 45-day comment period, the State Fire Marshal may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text — with changes indicated — shall be made available to the public for at least 15 days before the State Fire Marshal adopts (amends or repeals) the regulations as revised. Requests for copies of any modified regulations should be sent to Kevin Reinertson at the address indicated above. The State Fire Marshal will accept written comments on the modified

regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Kevin Reinertson at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of proposed regulations, highlighted in underline and strikeout, can be accessed through our web-site at <http://osfm.fire.ca.gov>.

TITLE 24. CALIFORNIA BUILDING STANDARDS COMMISSION

REGARDING THE CALIFORNIA BUILDING STANDARDS CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24

Notice is hereby given that the California Building Standards Commission proposes to adopt, amend, repeal, approve, codify, and publish building standards proposed and submitted for the 2006 Annual Code Adoption Cycle of the California Building Standards Code (California Code of Regulations [CCR], Title 24). The California Building Standards Code is comprised of Part 1 (California Building Standards Administrative Code), Part 2 (California Building Code), Part 3 (California Electrical Code), Part 4 (California Mechanical Code), Part 5 (California Plumbing Code), Part 6 (California Energy Code), Part 7 (California Elevator Safety Construction Code), Part 8 (California Historical Building Code), Part 9 (California Fire Code), Part 10 (California Code for Building Conservation), and Part 12 (California Referenced Standards Code).

The building standards being proposed by the California Building Standards Commission, Department of Housing and Community Development, Division of the State Architect, Office of Statewide Health Planning and Development, and the Office of the State Fire Marshal are for incorporation into CCR, Title 24, Parts 1, 2, 3, 4, 5, 9, 10 and 12.

This notice concerns Parts 3, 4, and 5 of CCR, Title 24 as proposed by the agencies listed below. Summaries of the proposed actions and their impacts are listed by proposing agency in the appendix portion of this notice, as follows:

Appendix A	California Building Standards Commission (CBSC)
Appendix B	Department of Housing and Community Development (HCD)
Appendix C	Division of the State Architect, Structural Safety Division (DSA SS)
Appendix D	Division of the State Architect, Access Compliance (DSA AC)
Appendix E	Office of Statewide Health Planning and Development (OSHPD)

WRITTEN COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from September 8, 2006 until 5:00 p.m. on October 23, 2006. Comments may be made using the form on CBSC's web site at www.bsc.ca.gov/ and either mailed or faxed to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Thomas L. Morrison, Deputy Executive Director

Written comments may be faxed to (916) 263-0959 or emailed to CBSC@dgs.ca.gov.

Public Hearing Request

Pursuant to Government Code (GC) Section 11346.5(a)17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

Post-Hearing Modifications to the Text of the Regulations

Following the written comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the resulting standards. **NOTE:** To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

California Building Standards Commission

The California Building Standards Commission proposes to adopt these building standards under the au-

thority granted by Health and Safety Code Sections (H&SC) 18928 and 18934.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 18928 and 18928.1. The California Building Standards Commission is proposing this regulatory action based on Health and Safety Code Section (H&SC) 18928.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: The California Building Standards Commission has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations

Department of Housing and Community Development

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5. HCD is proposing this regulatory action based on Health and Safety Code Sections 17040, 17921, 17922, 18300, 18865, 18865.3 and 19990; and Government Code Section 12955.1. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874, and 19960-19998; and Government Code Section 12955.1.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: None.

Office of the State Fire Marshal

CBSC proposes to adopt these building standards under the authority granted by H&SC Section 18949.2 and 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 13143(a) and 18928(a). SFM is proposing this regulatory action pursuant to H&SC Sections 17921, 18897.3, 13108(a), 13211, 13113, 13113.5, 13114(a), 13132.7, 13133, 13135, 13143, 13143.1(a), 13143.6(a), 13143.9(a).

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: SFM has determined that there are no other matters prescribed by statute applicable to this agency or to any specific regulation or class of regulation as previously amended and or adopted by the SFM.

Division of the State Architect, Structural Safety Division

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18930 and 18949.1. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health & Safety Code Sections 16000-16023, 16600-16604, and Education Code Sec-

tions 17280–17317 and 81130–81147. The Division of the State Architect is proposing this regulatory action based on Health & Safety Code Section 16022, 16600, and Education Code Sections 17310 and 81142.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: There are no other matters prescribed by statute applicable to the Division of the State Architect, or to any specific regulation or class of regulations.

Division of the State Architect, Access Compliance

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Sections (H&SC§) 18930 and 18949.1. The purpose of these building standards is to implement, interpret, and make specific the provisions of Government Code Sections (GC§) 4450 through 4461, 12955.1 and H&SC§ 18949.1 and 19952 through 19959. DSA/AC is proposing this regulatory action based on GC§ 4450.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: There are no other matters prescribed by statute applicable to the DSA/AC, or to any specific regulation or class of regulations.

Office of Statewide Health Planning and Development

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Section 129850. The OSHPD is proposing this regulatory action based on Health and Safety Code Sections 1226, 1275, 18928, 18929, 129790 and 129850 and Government Code Section 11152.5.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: There are no other matters to be identified.

INFORMATIVE DIGEST

Summary of existing laws and regulations

State Building Standards Law, H&SC Sections 18929 and 18930 require that building standards, including regulations that apply directly to the implementation or enforcement of building standards, be forwarded to CBSC for adoption and/or approval. H&SC Section 18929.1 requires CBSC to receive the building standards from state agencies for consideration in an annual code adoption cycle.

Each regulation shall be adopted in compliance with the procedures specified in H&SC Section 18930 and in GC, Title 2, Division 3, Part 1, Chapter 3.5, Article 5

(commencing with Section 11346). H&SC Sections 18949.1, 18949.2, 18949.3 and 18949.5 transfer the responsibilities to CBSC for adopting regulations relating to building standards proposed by DSA/AC, DSA/SS, HCD, OSHPD and SFM. Under the authority granted by these provisions of law, CBSC proposes this rulemaking.

CBSC is charged with the responsibility to adopt regulations that ensure adequate public participation in the development of building standards prior to submittal to the Commission for adoption and/or approval. In addition, the law requires that the regulations ensure adequate technical review of the proposed building standards by advisory bodies appointed by CBSC. The proposed building standards being noticed were reviewed by advisory bodies of the Commission on June 30 and August 16, 2006 in Sacramento, California. The recommendations made by these committees are incorporated into the express terms. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

Effect of this rulemaking

This rulemaking proposes to:

1. Adopt by reference the 2005 National Electrical Code and, amend, repeal, approve, codify and publish building regulations contained in CCR, Title 24, Part 3 for DSA SS, DSA AC, and OSHPD. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)
2. Adopt by reference the 2006 Uniform Mechanical Code and amend, repeal, approve, codify and publish building regulations contained in CCR, Title 24, Part 4 for HCD, DSA AC, DSA SS, and OSHPD. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)
3. Adopt by reference the 2006 Uniform Plumbing Code and amend, repeal, approve, codify and publish building regulations contained in CCR, Title 24, Part 5 for CBSC, HCD, DSA SS, DSA AC, and OSHPD. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

FISCAL IMPACT

Estimate of Cost or Savings

See appendices.

Cost Impact on Representative Private Persons or Businesses

See appendices.

Initial Determination of Significant Effect on Housing Costs

See appendices.

Mandate on Local Agencies or School Districts

See appendices.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

See appendices.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

See appendices.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The state agencies have made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and have determined that a report pursuant to Government Code Section 11346.3(c) is not required.

ALTERNATIVES CONSIDERED

The state agencies involved in this rulemaking must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is being proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

Each agency has prepared, and CBSC has available for public review, Initial Statements of Reasons (ISOR) for the proposed actions, information upon which the proposals are based, and the regulation text. The ISOR and the regulation text can be accessed from CBSC's website at www.bsc.ca.gov/. Hard copies may be requested by contacting CBSC or the state agency proposing the regulations.

Interested parties may obtain a copy of the Final Statement of Reasons, which summarizes objections or recommendations made regarding the regulatory actions and explains how the proposed actions have been changed to accommodate the objections or recommen-

dations, when available, from either CBSC or CBSC's website.

CONTACT INFORMATION FOR QUESTIONS

CBSC Contact Person for Procedural and Administrative Questions

Specific questions regarding the regulations should be addressed to the following department contact person:

Thomas L. Morrison, Deputy Director
Tom.Morrison@dgs.ca.gov (916) 263-0916
(916) 263-0959 FAX

Dave Walls, Executive Director
Dave.Walls@dgs.ca.gov (916) 263-0916
(916) 263-0959 FAX

Contact Persons for Substantive and/or Technical Questions on the Proposed Changes to Building Standards

Specific questions regarding the standards should be addressed to the following department contact persons:

CBSC	Michael Nearman	(916) 263-5888
	Jane Taylor	(916) 263-0807 (916) 263-0959 FAX Michael.Nearman@dgs.ca.gov Jane.Taylor@dgs.ca.gov
HCD	Doug Hensel	(916) 445-9471
	Jim McGowan	(916) 445-9471 (916) 327-4712 FAX dhensel@hcd.ca.gov jmcgowan@hcd.ca.gov
DSA SS	Richard Conrad	(916) 324-7180
	Howard "Chip" Smith	(916) 323-1687 (916) 327-3371 FAX Richard.Conrad@dgs.ca.gov Howard.Smith@dgs.ca.gov
DSA AC	Richard Conrad	(916) 324-7180
	Aaron Noble	(916) 445-4310 (916) 445-7658 FAX Richard.Conrad@dgs.ca.gov Aaron.Noble@dgs.ca.gov

OSHPD Duane Borba (916) 654-3139
(916) 653-2973 FAX
regsunit@oshpd.ca.gov

APPENDIX A

CODE CHANGE SUBMITTAL PROPOSED BY THE CALIFORNIA BUILDINGS STANDARDS COMMISSION

BSC 05/06 Part 5

INFORMATIVE DIGEST

Summary of Existing Laws

Health & Safety Code Section 18928. Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Authorizes the commission to adopt the most recent edition of the Uniform Plumbing Code.

Health & Safety Code Section 18928(b). Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

Health & Safety Code Section 18934.5. Standards or administrative regulations for state buildings; adoption, approval, codification and publication

Sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

Summary of Existing Regulations

The existing 2001 California Plumbing Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the California Building Standards Commission, the 2000 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials without amendments for state owned buildings & buildings constructed by the University of California and California State Universities.

Summary of Effect

This proposed action will make effective the 2006 UPC of IAPMO with necessary amendments to state owned buildings and to all occupancies identified pursuant to Health and Safety Code 18938, 180 days after the publication of the next triennial edition of the California Plumbing Code (CPC). This proposed action by the California Building Standards Commission will also make the 2001 CPC, inoperative for state owned buildings, and for persons applying for a building permit upon the effective date of the next triennial edition of the CPC.

FISCAL IMPACT

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

Estimate: **None**

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The California Building Standards Commission has determined that the proposed regulatory action would impose a mandate on local agencies or school districts. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. H&SC section 18928 requires the CBSC to adopt the most current edition of the model codes. H&SC 18938(b) makes applicable the most current edition of the model plumbing code to all occupancies throughout the State of California as prescribed.

ECONOMIC IMPACT

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

CBSC has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

**ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

CBSC has assessed whether or not and to what extent this proposal will affect the following:

- ☐ **The creation or elimination of jobs within the State of California.**
This regulation will not affect the creation or elimination of jobs within the State of California.
- ☐ **The creation of new businesses or the elimination of existing businesses within the State of California.**
This regulation will not affect the creation or elimination of existing businesses within the State of California.
- ☐ **The expansion of businesses currently doing business with the State of California.**
This regulation will not affect the expansion of businesses currently doing business within the State of California.

APPENDIX B

**CODE CHANGE SUBMITTAL
PROPOSED BY THE
DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT**

**HCD 06/06 Part 4
HCD 03/06 Part 5**

INFORMATIVE DIGEST

Summary of Existing Laws

Section 17921 of the Health and Safety Code and Section 12955.1 of the Government Code require HCD to propose the adoption, amendment, or repeal of building standards by the CBSC.

Section 17922 of the Health and Safety Code requires that the building standards be essentially the same as the most recent editions of the uniform industry codes. The CBSC is authorized to adopt these building standards

under the authority granted by Health and Safety Code Section 18949.5.

Health and Safety Code Section 17922 states that the most recent editions of the uniform codes referred to in the section shall be considered to be adopted one year after the date of publication of the uniform codes.

Health and Safety Code Section 17040 requires HCD to adopt building standards for employee housing for "... the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing."

Health and Safety Code Sections 18300, 18620, 18690, 18865, 18865.3, 18873 and 18873.4 require HCD to adopt building standards for mobilehome parks and special occupancy parks.

Health and Safety Code Sections 18300, 18620, 18630, 18640, 18865, 18865.3, 18873, 18873.1 and 18873.2 require HCD to adopt building standards for plumbing, including toilets, showers, and laundry facilities, in mobilehome parks and special occupancy parks which HCD determines are reasonably necessary for the protection of life and property and to carry out the purposes of the Mobilehome Parks Act and the Special Occupancy Parks Act.

Health and Safety Code Section 19990 requires HCD to adopt building standards for factory-built housing.

Summary of Existing Regulations

HCD 06/06 Part 4: The California Mechanical Code, Part 4 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, adopted by reference the 2000 Uniform Mechanical Code with California amendments, effective on November 1, 2002. The purpose of this code is to provide complete requirements for the design, installation and maintenance of heating, ventilating, cooling and refrigeration systems, to safeguard life or limb, health, property and public welfare, while at the same time allowing for innovation and new technologies.

HCD 03/06 Part 5: The California Plumbing Code, Part 5 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, adopted by reference the 2000 Uniform Plumbing Code with California amendments, effective on November 1, 2002. The purpose of this code is to establish the minimum requirements necessary to safeguard the public health, safety and general welfare.

Summary of Effect

HCD 06/06 Part 4: HCD proposes to adopt by reference the 2006 edition of the Uniform Mechanical Code (UMC), with California amendments, as indicated on

the attached proposed matrix table, into Part 4, Title 24, CCR for the following programs:

- a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto and as provided for through the Federal Fair Housing Amendment Act's and state law accessibility requirements, except where the application is for public use only.
- b) Employee Housing Act: relative to the use of mechanical equipment and systems in or on any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.
- c) Mobilehome Parks and Special Occupancy Parks: relative to the use of mechanical equipment and systems in or on any permanent buildings and accessory buildings and structures within the park in accordance with Health and Safety Code Sections 18300, 18690, 18865 and 18873.4.
- d) Factory-Built Housing Law: relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

These amendments: (1) bring forward previously adopted California amendments to ensure their continuation in the CMC; (2) delete banners and define the application and scope of these standards; (3) update statutory authority references; (4) direct users to the California Building Code for information regarding accessibility provisions.

HCD 03/06 Part 5: HCD proposes to adopt by reference the 2006 edition of the Uniform Plumbing Code (UPC), with California amendments, as indicated on the attached proposed matrix table, into Part 5, Title 24, CCR for the following programs:

- a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto and as provided for through the Federal Fair Housing Amendment Act's and state law accessibility requirements, except where the application is for public use only.
- b) Employee Housing Act: relative to the use of plumbing equipment and systems in or on any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.
- c) Mobilehome Parks and Special Occupancy Parks: relative to the use of plumbing equipment and systems in or on any permanent buildings and accessory buildings and structures within the park in accordance with Health and Safety Code Sections 18300, 18630 and 18640.

- (d) Factory-Built Housing Law: relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

These amendments: (1) bring forward previously-adopted California amendments to ensure their continuation in the California Plumbing Code; (2) delete banners and further define the application and scope of these standards; (3) update statutory authority references; (4) direct users to the California Building Code for information regarding accessibility provisions; (5) clarify certain terms through the amendment of their definitions; (6) correlate the administrative provisions with the California Building, Mechanical and Electrical Codes; (7) modify existing California amendments relating to the use of listed solvent cements and primers for CPVC piping; (8) bring forward previously-adopted model code language from the 2000 UPC, relating to water heaters; (9) modify existing California amendments relating to non-potable and reclaimed water identification; (10) remove an existing California amendment for materials used in water supply and distribution, and propose the adoption of the 2002 Uniform Plumbing Code provisions for materials used in water supply and distribution; (11) remove existing California amendments for materials used in sanitary drainage, venting and storm drainage; (12) propose new California amendments referencing the California Building Code for fire-stop protection. These amendments provide clarity and continuity, without increasing requirements, for the regulated public.

FISCAL IMPACT

Estimate of Cost or Savings

- A. Cost or Savings to any state agency: Health and Safety Code Section 17922 requires HCD to adopt by reference the most recent edition of the model building code. This action will result in a minimal cost to HCD which will be absorbed in the current budget.
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- D. Other nondiscretionary cost or savings imposed on local agencies: NONE.
- E. Cost or savings in federal funding to the state: NONE.

Estimate: HCD believes that any additional expenditure resulting from this proposed action will be minimal

and will be able to be absorbed within existing budgets and resources.

Cost Impact on Representative Private Person or Business

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

HCD has made an initial determination that this proposal would not have a significant effect on housing costs. The CBSC contact person designated below will make HCD's initial evaluation of the effect of the proposed regulatory action on housing costs available upon request. (See *Economic Impact of the Proposed California Mechanical Code and California Plumbing Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

Mandate on Local Agencies or School Districts

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. Therefore, it does not mandate state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

HCD has made an initial determination that the proposed action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. (See *Economic Impact of the Proposed California Mechanical Code and California Plumbing Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

HCD has initially assessed whether or not, and to what extent, this proposal will affect the following:

- The creation or elimination of jobs within the State of California.

These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not affect the creation or the elimination of businesses within the State of California.

- The expansion of businesses currently doing business within the State of California.

These regulations will not affect the expansion of businesses currently doing business within the State of California.

(See *Economic Impact of the Proposed California Mechanical Code and California Plumbing Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

APPENDIX C

**CODE CHANGE SUBMITTAL
PROPOSED BY THE
DIVISION OF THE STATE ARCHITECT,
STRUCTURAL SAFETY**

DSA SS 04/06 Part 3

DSA SS 05/06 Part 4

DSA SS 06/06 Part 5

INFORMATIVE DIGEST

Summary of Existing Laws

DSA SS 04/06 Part 3: Section 16023 of the Health and Safety Code authorizes the State Architect to establish building standards for state-owned or state-leased essential services buildings. Sections 17310 and 81142 of the Education Code authorize the State Architect to establish building standards for public elementary and secondary schools, and community colleges.

DSA SS 05/06 Part 4: Section 16023 of the Health and Safety Code authorizes the State Architect to establish building standards for the design, construction and inspection of mechanical systems for state-owned or state-leased essential services buildings. Sections 17310 and 81142 of the Education Code authorize the State Architect to establish building standards for the design, construction and inspection of mechanical systems of public elementary and secondary schools, and community colleges.

DSA SS 06/06 Part 5: Section 16023 of the Health and Safety Code authorizes the State Architect to establish building standards for the design, construction and inspection of plumbing systems for state-owned or state-leased essential services buildings. Sections 17310 and 81142 of the Education Code authorize the State Architect to establish building standards for the design, construction and inspection of plumbing systems for public elementary and secondary schools, and community colleges.

Summary of Existing Regulations

DSA SS 04/06 Part 3: Building standards regarding building electrical systems design, construction and inspection for state-owned or state-leased essential services buildings, and public elementary and secondary schools and community colleges are promulgated by the Division of the State Architect. These regulations are contained in Title 24 Part 3, also known as the California Electrical Code.

DSA SS 05/06 Part 4: Existing building standards which prescribe requirements for the design, construction and inspection of mechanical systems for state-owned or state-leased essential services buildings, and public elementary schools, secondary schools and community colleges are promulgated by the Division of the State Architect. These regulations are contained in the California Mechanical Code (Part 4, Title 24).

DSA SS 06/06 Part 5: Existing building standards which prescribe requirements for the design, construction and inspection of plumbing systems for state-owned or state-leased essential services buildings, and public elementary schools, secondary schools and community colleges are promulgated by the Division of the State Architect. These regulations are contained in the California Plumbing Code (Part 5, Title 24).

Summary of Effect

DSA SS 04/06 Part 3: The proposed action will repeal the currently adopted model code (National Electrical Code, 2002 edition, published by NFPA), and will adopt the 2005 edition National Electrical Code, published by NFPA, for effectiveness as the 2007 California Electrical Code.

DSA SS 05/06 Part 4: The proposed action would update Part 4 of Title 24 by repealing the 2000 edition Uniform Mechanical Code, and adopting the 2006 edition Uniform Mechanical Code (published by the International Association of Plumbing and Mechanical Officials), for effectiveness as the 2007 California Mechanical Code.

DSA SS 06/06 Part 5: The proposed action would update Part 4 of Title 24 by repealing the adoption of the 2000 edition Uniform Plumbing Code, and adopting the 2006 edition Uniform Plumbing Code (published by the International Association of Plumbing and Mechanical Officials) for effectiveness as the 2007 California Plumbing Code.

FISCAL IMPACT

Estimate of Cost or Savings

A. Cost or Savings to any state agency: **NO**

- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

Cost Impact on Representative Private Persons or Businesses

The Division of the State Architect is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed regulatory action.

Initial Determination of Significant Effect on Housing Costs

The Division of the State Architect has made an initial determination that this proposed regulatory action **WOULD NOT** have a significant effect on housing costs. The CBSC contact designated below will make the Division of the State Architect's evaluation of the effect of the proposed regulatory action on housing costs available upon request.

Mandate on Local Agencies or School Districts

The Division of the State Architect has determined that this proposed regulatory action would not impose a mandate on local agencies or school districts.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

The Division of the State Architect has made an initial determination that this proposed regulatory action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

- ☐ The creation or elimination of jobs within the State of California.
The Division of the State Architect has determined that the proposed action has no effect.
- ☐ The creation of new businesses or the elimination of existing businesses within the State of California.

The Division of the State Architect has determined that this proposal has no effect.

- The expansion of businesses currently doing business with the State of California.
The Division of the State Architect has determined that the proposed action has no effect.

APPENDIX D

CODE CHANGE SUBMITTAL PROPOSED BY THE DIVISION OF THE STATE ARCHITECT, ACCESS COMPLIANCE

DSA AC 04/06 Part 3
DSA AC 05/06 Part 4
DSA AC 06/06 Part 5

INFORMATIVE DIGEST

Summary of Existing Laws

Section 4450 of the Government Code authorizes the State Architect to establish building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities. Section 12955.1(d) of the Government Code authorizes the State Architect to establish building standards for public housing.

Summary of Existing Regulations

DSA AC 04/06 Part 3: Existing electrical standards which prescribe electrical standards for accessibility to public buildings, public accommodations, commercial buildings and publicly funded housing are promulgated by the DSA/AC. These electrical standards are contained in CCR, Title 24, Part 3 known as the 2004 California Electrical Code (CEC), and are based on provisions within the adopted 2002 National Electrical Code.

DSA AC 05/06 Part 4: Existing mechanical standards which prescribe mechanical standards for accessibility to public buildings, public accommodations, commercial buildings and publicly funded housing are promulgated by the Division of the State Architect. These mechanical standards are contained in Title 24, Part 4 known as the 2001 California Mechanical Code (CMC), and are based on provisions within the adopted 2000 Uniform Mechanical Code.

DSA AC 06/06 Part 5: Existing plumbing standards which prescribe plumbing standards for accessibility to public buildings, public accommodations, commercial buildings and publicly funded housing are promulgated by the DSA/AC. These plumbing standards are contained in Title 24, Part 5 known as the 2001 California Plumbing Code (CPC), and are based on provisions within the adopted 2000 Uniform Plumbing Code.

Summary of Effect

DSA AC 04/06 Part 3: The proposed action would relocate 2004 CEC provisions into the California Building Code, to be consistent with the technical building standards adopted in Part 2 (*California Building Code*) based on the 2006 edition of the International Building Code. Fine Print Notes (FPN) would remain in the CEC as a cross-reference to the provisions in the CBC.

DSA AC 05/06 Part 4: The proposed action would relocate 2001 CMC provisions into the California Building Code, to be consistent with the technical building standards adopted in Part 2 (*California Building Code*) based on the 2006 edition of the International Building Code.

DSA AC 06/06 Part 5: The proposed action would relocate 2001 CPC provisions into the California Building Code, to be consistent with the technical building standards adopted in Part 2 (*California Building Code*) based on the 2006 edition of the International Building Code.

FISCAL IMPACT

Estimate of Cost or Savings

- A. Cost or savings to any state agency: None
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: None
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: None
- D. Other non-discretionary cost or savings imposed on local agencies: None
- E. Cost or savings in federal funding to the state: None

Cost Impact on Representative Private Persons or Businesses

The Division of the State Architect is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed regulatory action.

Initial Determination of Significant Effect on Housing Costs

The Division of the State Architect has made an initial determination that these proposed electrical, mechanical and plumbing standards regulatory actions would not have a significant effect on housing costs. The CBSC contact designated below will make the Division of the State Architect's evaluation of the effect of the proposed regulatory action on housing costs available upon request.

Mandate on Local Agencies or School Districts

The Division of the State Architect has determined that this proposed regulatory action would not impose a mandate on local agencies or school districts.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

The Division of the State Architect has made an initial determination that these proposed electrical, mechanical and plumbing standards actions will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

The DSA/AC has assessed whether or not, and to what extent, this proposed regulatory action will affect the following:

- The creation or elimination of jobs within the State of California.
The DSA/AC has determined that this proposed action has no effect.
- The creation of new businesses or the elimination of existing businesses within the State of California.
The DSA/AC has determined that this proposed action has no effect.
- The expansion of businesses currently doing business with the State of California.
The DSA/AC has determined that this proposed action has no effect.

APPENDIX E

**CODE CHANGE SUBMITTAL
PROPOSED BY THE
OFFICE OF STATEWIDE HEALTH PLANNING
AND DEVELOPMENT**

**OSHDP 05/06 Part 3
OSHDP 06/06 Part 4
OSHDP 07/06 Part 5**

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 1226 authorizes the Office to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building

standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code Section 1275 authorizes the Office to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code Section 18928 authorizes state agencies to adopt the most recent edition of model code, as amended or proposed to be amended by the agency, within one year of the publication date of that model code. Health and Safety Code Section 18929 mandates that building standards or administrative regulations that directly apply to the implementation or enforcement of building standards must be submitted by the adopting agency to the California Building Standards Commission for the Commission's approval and must be adopted pursuant to Health and Safety Code Section 18930 and the Government Code (commencing with Section 11346).

Health and Safety Code Section 18949.3 mandates that the responsibilities of the Office to adopt building standards, including but not limited to, the responsibilities specified under the Alfred E. Alquist Hospital Facilities Seismic Safety Act (commencing with Section 129765) be transferred to the California Building Standards Commission.

Health and Safety Code Section 129790 authorizes the Office to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Government Code Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations which are building standards must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with 18901).

Summary of Existing Regulations

OSHDP 05/06 Part 3: The OSHPD currently enforces the California Code of Regulations, Title 24, Part 3, 2004 California Electrical Code which is based on the 2002 National Electrical Code with California amendments. OSHPD enforces requirements related to the construction of hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

OSHDP 06/06 Part 4: The OSHDP currently enforces the California Code of Regulations, Title 24, Part 4, 2001 California Mechanical Code which is based on the 2000 Uniform Mechanical Code with California amendments. OSHDP enforces requirements related to the construction of hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

OSHDP 07/06 Part 5: The OSHDP currently enforces the California Code of Regulations, Title 24, Part 5, 2001 California Plumbing Code which is based on the 2000 Uniform Plumbing Code with California amendments. OSHDP enforces requirements related to the construction of hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

Summary of Effect

OSHDP 05/06 Part 3: The propose action is to adopt the 2005 National Electrical Code for incorporation, by reference, into the 2007 California Electrical Code and to carry forward existing California amendments related to hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers, to make minor technical modifications and to make the following amendments:

- Section 517.35 — amendment prohibiting the use of batteries, in lieu of generators, to provide power to the essential electrical system in hospitals.
- Section 517.42 — amendment to allow specified wireless nurse call systems in skilled nursing facilities.

OSHDP 06/06 Part 4: The propose action is to adopt the 2006 Uniform Mechanical Code for incorporation, by reference, into the 2007 California Mechanical Code and to carry forward existing California amendments related to hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers and to make minor technical modifications for clarification and consistency within the code. Amendments are summarized below.

- Requirements of Section 407.4.1.3 are being amended to provide an exception regarding air supply being conveyed from corridors. The amendments will permit air from fire resistive corridors to serve toilet rooms up to 50 square feet. The current provision allows this for small rooms of up to 30 square feet; however, toilet rooms must be accessible to persons of disabilities. This amendment will accommodate accessibility requirements.
- Provisions are being amended to clarify that dry-stream type humidifiers may be installed downstream of the “final” filter bank, instead of filter bank No. 2, which is the current requirement. Hospitals are currently required to have one, two or three filter banks depending on the

designation/use of the room. This amendment will clarify that no matter how many filter banks are in the ventilation system these humidifiers may be located downstream of the last filter bank.

- Provisions are being amended to add an additional ASHRAE standard for rating the efficiencies of air filters called “Minimum Efficiency Reporting Value” (MERV).
- Various changes were made to Table 4—A Pressure Relationships and Ventilation Requirements for health facilities for consistency with the California Building Code and coordination with the AIA Guidelines.
- Requirement for ventilating ceiling for health facilities is being amended to indicate that the enforcement of the requirement applies to licensed clinics. Currently this provision is enforced for hospitals, skilled nursing facilities and correctional treatment centers.
- Other proposed amendments are editorial changes that renumber or relocate existing amendments to accommodate the formatting changes in the 2006 UMC.

OSHDP 07/06 Part 5: The propose action is to adopt the 2006 Uniform Plumbing Code for incorporation, by reference, into the 2007 California Plumbing Code and to carry forward existing California amendments related to hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers and minor technical modifications, as necessary for clarification and consistency in the code. Additionally, this proposal will amend the CPC to:

- Clarify that requirements for skilled nursing facility construction also apply to “distinct part” units included on a hospital license and units within hospital buildings.
- Made various changes to Table 4–2 regarding plumbing fixtures for consistency with the proposed California Building Code.
- Provide an exception prohibiting the use of PEX–AL–PEX for water distribution in health facilities. The use of PEX–AL–PEX piping will not be allowed for applications under OSHDP’s jurisdiction.
- Repeal of the amendment regarding air conditioning condensate drain sizing. This amendment is no longer necessary because this requirement in 2006 UPC is consistent with the 2006 Uniform Mechanical Code.
- Made changes to the Table 6–9 — Water Usage and Water Temperature reducing the requirements for hot water system supply capacity for health facilities.

- Provide an exception prohibiting the use of pressed fittings for potable water supply for health facilities.
- Other existing amendments are being repealed, modified or relocated to be consistent with the 2006 UPC language and format. These changes are nonsubstantive.

FISCAL IMPACT

Estimate of Cost or Savings

OSHPD 05/06 Part 3 & OSHPD 07/06 Part 5:

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **No**.
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**

OSHPD 06/06 Part 4:

- A. Cost or Savings to any state agency: **Yes**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **Yes**
- E. Cost or savings in federal funding to the state: **No**

Estimate: The amendment to Section 407.4.1.3 that will permit air from fire resistive corridors to serve toilet rooms up to 50 square feet would be a cost savings for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. The savings would be up to \$2,900 per toilet room as the initial air duct and outlet material, fire/smoke damper, installation, air balancing, etc. would not be required pursuant to this amendment. Energy costs would also be reduced on average approximately \$75.00 per year per toilet room.

Cost Impact on Representative Private Persons or Businesses

The OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

The OSHPD has made an initial determination that this proposal would not have a significant effect on housing costs.

Mandate on Local Agencies or School Districts

The OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

The OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

The OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- ☐ The creation or elimination of jobs within the State of California.
These regulations will have no effect.
- ☐ The creation of new businesses or the elimination of existing businesses within the State of California.
These regulations will have no effect.
- ☐ The expansion of businesses currently doing business with the State of California.
These regulations will have no effect.

GENERAL PUBLIC INTEREST

TITLE 16. BOARD OF BEHAVIORAL SCIENCES

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF PUBLIC HEARING AND MODIFICATIONS TO ORIGINALLY PROPOSED REGULATIONS

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is continuing a rulemaking action that was originally initiated in February of 2006.

This is an additional notice regarding the proposed modified text and a notice of another hearing.

Information regarding the proposed action is described in the Updated Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Department of Consumer Affairs, 1625 N. Market Blvd., El Dorado Room (Suite N-220), Sacramento, CA 95834 at 9:30 a.m. on Wednesday, October 4, 2006.

Written comments must be received by the Board at its office including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this notice not later than 5:00 p.m. on October 23, 2006, or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 4980.60 and 4990.14, Business and Professions Code, and to implement, interpret, or make specific Sections 820, 4980.07, 4990.8 and 4990.13 of the Business and Professions Code and Sections 11500-11528 of the Government Code, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations (CCR) as follows:

UPDATED INFORMATIVE DIGEST

On February 10, 2006, the Board sent a notice regarding its proposal to adopt amendments to Section 1803 of Title 16 of the California Code of Regulations (CCR). This section pertains to the delegation of certain enforcement-related functions to the Board's executive officer. A public hearing was requested and held on May 18, 2006. In response to a comment from the public, the proposed text was modified, and a 15-day notice was sent on May 23, 2006. A public hearing on the modified text was held on July 27, 2007.

This is an additional notice regarding the proposed modified text. Additionally, another hearing has been scheduled for October 4, 2006.

POLICY STATEMENT OVERVIEW

Business and Professions (B&P) Code Section 820 permits the Board to order a licensee who is unable to practice his or her profession safely due to mental or physical illness to be evaluated by one or more physicians or psychologists. B&P Code Section 4990.8 permits the Board's executive officer to exercise powers and perform duties as delegated by the Board.

Title 16, CCR Section 1803 currently permits the Board's executive officer to file accusations, issue notices of hearing, issue statements of issues, receive and file notices of defense, issue subpoenas and subpoenas duces tecum, and set and calendar cases for hearing for Marriage and Family Therapists (MFT), Licensed Clinical Social Workers (LCSW), Licensed Educational Psychologists (LEP), MFT Interns, or Associate Clinical Social Workers.

The proposal would amend Section 1803 to allow the executive officer to additionally order a mental or physical evaluation of a board licensee or registrant as part of an investigation of a complaint.

CONTACT PERSON

General or substantive inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Christy Berger
Address: 1625 North Market Blvd, Suite S200
Sacramento CA 95834
Telephone: 916-574-7847
Fax: 916-574-8625
Email: christy_berger@dca.ca.gov

OR

Name: Mona Maggio
Address: 1625 North Market Blvd, Suite S200
Sacramento CA 95834
Telephone: 916-574-7830
Fax: 916-574-8625
Email: mona_maggio@bbs.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

**TEXT OF PROPOSAL AND AVAILABILITY
OF MODIFIED TEXT**

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Contact Person listed above.

If the regulations adopted by the Board differ from and are substantially related to the action proposed, the text of the proposed regulations with changes clearly indicated will be made available to the public for 15 days prior to the date of adoption.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection from the Contact Person listed above.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the Contact Person named above or by accessing the website listed below.

WEBSITE ACCESS

Materials regarding this proposal can be found at www.bbs.ca.gov.

**TITLE 16. BOARD OF BEHAVIORAL
SCIENCES**

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE OF GENERAL PUBLIC INTEREST

**NOTICE OF PUBLIC HEARING AND
MODIFICATIONS TO
ORIGINALLY PROPOSED REGULATIONS**

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Department of Consumer Affairs, 1625 N. Market Blvd., El Dorado Room (Suite N-220), Sacramento, CA 95834 at 9:30 a.m. on Wednesday, October 4, 2006.

Written comments must be received by the Board at its office including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this notice not later than 5:00 p.m. on October 23, 2006, or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 4980.60 and 4990.14, Business and Professions Code, and to implement, interpret, or make specific Sections 820, 4980.07, 4990.8 and 4990.13 of the Business and Professions Code and Sections 11500-11528 of the Government Code, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations (CCR) as follows:

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This is an additional notice regarding the proposed modified text. Additionally, another hearing has been scheduled for November 16, 2006.

POLICY STATEMENT OVERVIEW

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set and calendar cases for hearing for Marriage and Family Therapists (MFT), Licensed Clinical Social Workers (LCSW), Licensed Educational Psychologists (LEP), MFT Interns, or Associate Clinical Social Workers.

The proposal would amend Section 1803 to allow the executive officer to additionally order a mental or physical evaluation of a board licensee or registrant as part of an investigation of a complaint.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impacts on Representative Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory action would not affect small businesses. This proposal only makes a technical change in how a mental or physical evaluation of a board licensee or registrant is ordered.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments in writing relevant to the above determinations to the address listed under Contact Person.

CONTACT PERSON

General or substantive inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Christy Berger
Address: 1625 North Market Blvd, Suite S200
Sacramento CA 95834
Telephone: 916-574-7847
Fax: 916-574-8625
Email: christy_berger@dca.ca.gov

OR

Name: Mona Maggio
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The Board has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL AND AVAILABILITY OF MODIFIED TEXT

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Contact Person listed above.

If the regulations adopted by the Board differ from and are substantially related to the action proposed, the text of the proposed regulations with changes clearly in-

icated will be made available to the public for 15 days prior to the date of adoption.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection from the Contact Person listed above.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the Contact Person named above or by accessing the website listed below.

WEBSITE ACCESS

Materials regarding this proposal can be found at www.bbs.ca.gov.

CALIFORNIA DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION Fish and Game Code Section 2080.1 Tracking Number 2080-2006-017-03

PROJECT: Santa Cruz Countywide Partners in Restoration Permit Coordination Program
LOCATION: Santa Cruz County, throughout
NOTIFIER: Natural Resources Conservation Service, in partnership with Santa Cruz County Resource Conservation District

BACKGROUND

Santa Cruz County Resource Conservation District ("SCCRCD") along with the Natural Resources Conservation Service ("NRCS") assists landowners with implementation of specific conservation activities on private lands as part of the *Santa Cruz Countywide Partners in Restoration Permit Coordination Program* ("Program"). Individual landowners will sign a Cooperator Agreement which will state that they agree to implement specific practices designed by NRCS. Individual landowners will carry out their projects to implement these practices. Under the Program, NRCS will administer the implementation and maintenance of 15 types of conservation practices on private lands in Santa

Cruz County, California (the "Projects") for a four year period. The Program does not cover installation of grade stabilization structures in fish bearing streams or water diversion or dam construction projects. Stream dewatering will likely be required to implement some of the Projects including fish stream improvement, obstruction removal, streambank protection, and stream channel stabilization. Dewatering would include isolating the work area using temporary structures such as cofferdams and pumping water around the worksite to maintain downstream flow.

The San Lorenzo River watershed and watersheds in Santa Cruz County north of the San Lorenzo River are known to have populations of Central California Coast ("CCC") coho salmon (*Oncorhynchus kisutch*), in addition to other salmonids. CCC coho is listed as an endangered species under both the federal Endangered Species Act ("ESA") (16 U.S.C. § 1531 *et seq.*) and the California Endangered Species Act ("CESA") (Fish & G. Code, § 2050 *et seq.*).

Diversion/dewatering activities necessary to implement some Projects could result in take of CCC coho. Because the project has the potential to take a species listed under ESA, NRCS consulted with the National Oceanic and Atmospheric Administration National Marine Fisheries Service ("NMFS"). On July 18, 2006, NMFS issued an amended biological opinion (No. 151422SWR2006SR00307:JMA) to NRCS for the Program ("biological opinion"). The biological opinion describes the project and sets forth measures to minimize project impacts to CCC coho salmon.

On July 27, 2006, the Director of the Department of Fish and Game ("DFG") received correspondence from NRCS requesting a determination pursuant to Section 2080.1 of the Fish and Game Code that the biological opinion is consistent with CESA.

DETERMINATION

DFG will review each individual project proposed for coverage under the programmatic biological opinion and advise NRCS and SCCRCD that DFG agrees or disagrees that the project meets the criteria for coverage under the Biological Opinion and this CD. Projects that do not meet the terms will be required to seek individual take authority from DFG. For projects that are covered under the biological opinion, DFG has determined that the biological opinion is consistent with CESA because the mitigation measures in the opinion meet the conditions set forth in Fish and Game Code section 2081, subparagraphs (b) and (c), for authorizing the incidental take of CESA-listed species. Specifically, DFG finds that the take of CCC coho will be incidental to an otherwise lawful activity (i.e., implementing Projects that are part of the Program including fish stream improve-

ment, obstruction removal, streambank protection, and stream channel stabilization) and the measures identified in the biological opinion will minimize and fully mitigate the impacts of the authorized take of CCC coho, and the project will not jeopardize the continued existence of the species. The mitigation measures in the amended biological opinion include, but are not limited to, the following:

1. A qualified fisheries biologist shall capture and relocate salmonids prior to construction of the water diversion structures (e.g. cofferdams). The qualified fisheries biologist shall note the number of salmonids observed in the affected area, the number and species of salmonids relocated, and the date and time of collection and relocation. The qualified fisheries biologist shall have a minimum of three years experience in the identification and capture of salmonids considered in the biological opinion.
2. A biological monitor shall be on site during construction in case any fish become stranded during construction activities.
3. SCCRCD or NRCS will provide DFG with a copy of the implementation grant of Farm Bill contract providing funding assurances necessary to implement the required mitigation measures.
4. If Projects do not have such grant funding, the NRCS, SCCRCD or the cooperating landowner shall provide security in the form of a cash deposit in an amount approved in writing by DFG and held by DFG or the SCCRCD or another mechanism approved in writing by DFG.

DFG will review each individual project proposed for coverage pursuant to this consistency determination and when DFG determines that a project meets the criteria for coverage under this Biological Opinion, NRCS and the project applicant do not need to obtain authorization from the DFG under CESA for take of CCC coho that occurs in carrying out that project, provided NRCS ensures compliance with the mitigation measures and other conditions described in the biological opinion. DFG has determined that a primary outcome of the types of projects subject to coverage under this Biological Opinion will be physical and biological improvements to the species habitat that will result in enhancements in fish passage, survival, and reproduction.

However, if the Program or Projects as described in the biological opinion, including the mitigation measures therein, changes after the date of the opinion, or if NMFS amends or replaces that opinion, NRCS will need to obtain from DFG a new consistency determination (in accordance with Fish and Game Code section 2080.1) or a separate incidental take permit (in accordance with Fish and Game Code section 2081).

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (Proposition 65)

NOTICE TO INTERESTED PARTIES September 8, 2006

Availability of Hazard Identification Materials for Vinclozolin, a Chemical Listed Under the Authoritative Body Mechanism and Under Review for Possible Delisting by the OEHHA Science Advisory Board's Carcinogen Identification Committee

The California Environmental Protection Agency's (Cal/EPA) Office of Environmental Health Hazard Assessment (OEHHA), as lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65, California Health and Safety Code 25249.5 *et seq.*) maintains the Proposition 65 list of chemicals that have been identified by the State to cause cancer, birth defects or other reproductive harm. One of the mechanisms by which a chemical can be put on the Proposition 65 list is when the chemical has been identified as causing cancer by an organization that has been designated as "authoritative" for purposes of Proposition 65. The authoritative bodies for identifying agents as causing cancer are: U.S. Environmental Protection Agency (U.S. EPA), U.S. Food and Drug Administration, National Institute of Occupational Safety and Health, National Toxicology Program, and the International Agency for Research on Cancer.

If the lead agency finds that a chemical is no longer identified by the authoritative body as causing cancer or reproductive toxicity, the listing under the Proposition can be reconsidered (Title 22, Cal. Code Regs. §12306(j)). Chemicals listed "as causing cancer" which are under reconsideration and which have been placed on the list by the authoritative bodies mechanism are referred to the Carcinogen Identification Committee (CIC), the state's qualified experts for carcinogenicity determinations under the Proposition (Title 22, Cal. Code Regs. §12306(j)). The CIC then makes a recommendation regarding whether the chemical has been "clearly shown, through scientifically valid testing according to generally accepted principles to cause cancer" (Title 22, Cal. Code Regs. §12305(a)(1)).

Vinclozolin (CAS No. 50471-44-8) was listed "as causing cancer" under Proposition 65 on August 20, 1999, based upon its 1996 classification as a probable human carcinogen (Group B2) by the U.S. EPA. The evaluation and conclusions are reported in U.S. EPA's *Memorandum on the Carcinogenicity Peer Review of Vinclozolin* (2nd). In 2000, the U.S. EPA finalized a re-evaluation in a Cancer Assessment Document, *Evaluation of the Carcinogenic Potential of Vinclozolin (Fourth Review)*, changing its classification to Group C, possible human carcinogen.

The CIC will consider the U.S. EPA's reclassification and the carcinogenicity evidence for vinclozolin at a public meeting scheduled for November 16, 2006. It is expected that the CIC will make a recommendation at this meeting regarding whether vinclozolin should continue to be included on the Proposition 65 list.

Hazard identification materials, including U.S. EPA review documents and carcinogenicity evidence for vinclozolin, have been compiled to provide the CIC with relevant information for use in its deliberations. Copies of these materials are available from the Proposition 65 Implementation Office and may be requested by calling (916) 445-6900.

Written public comments related to the reconsideration of the listing of vinclozolin on the Proposition 65 list of chemicals known to the State to cause cancer should be submitted by **October 30, 2006** to:

Cynthia Oshita
Office of Environmental Health Hazard
Assessment,
Street Address: 1001 I Street
Sacramento, CA 95814
Mailing Address: P.O. Box 4010
Sacramento, California 95812-4010
Fax No.: (916) 323-8803
Telephone: (916) 445-6900
Via E-mail: coshita@oehha.ca.gov

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL PROTECTION
AGENCY**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(Proposition 65)**

**NOTICE TO INTERESTED PARTIES
September 8, 2006**

**30-DAY PUBLIC COMMENT PERIOD REGARDING
REMOVAL OF THREE CHEMICALS FROM THE
PROPOSITION 65 LIST OF CHEMICALS
KNOWN TO THE STATE TO CAUSE CANCER**

The California Environmental Protection Agency's
Office of Environmental Health Hazard Assessment

(OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). As the lead agency, OEHHA intends to remove isosafrole [CAS No. 120-58-1], 5-nitro-*o*-anisidine [CAS No. 99-59-2], and tris(aziridinyl)-*p*-benzoquinone (triaziquone) [CAS No. 68-76-8] from the list of chemicals known to the state to cause cancer, for purposes of Proposition 65.

Each of these chemicals was originally added to the Proposition 65 list on October 1, 1989 as a result of the issuance of a judicial decision enforcing Labor Code Sections 6382(b)(1) and (d) which are incorporated by reference as Proposition 65 listing provisions pursuant to Health and Safety Code Section 25249.8(a). Labor Code Section 6382(b)(1) requires inclusion of substances listed as human or animal carcinogens by the International Agency for Research on Cancer (IARC). Labor Code Section 6382(d) requires the inclusion of chemicals within the scope of the federal Hazard Communication Standard (29 CFR 1910.1200), which establishes that a chemical is a carcinogen or potential carcinogen for hazard communication purposes if it is identified as such by IARC or the National Toxicology Program (NTP). Isosafrole and tris(aziridinyl)-*p*-benzoquinone were listed under Proposition 65 based on Labor Code 6382(d). Both chemicals were on a hazardous chemicals list because of findings of carcinogenicity by IARC. 5-Nitro-*o*-anisidine was also listed based on Labor Code 6382(d). It was identified as causing cancer by the NTP.

5-Nitro-*o*-anisidine was removed from the NTP *Sixth Annual Report on Carcinogens* as a substance "reasonably anticipated to be a human carcinogen" in 1991, when NTP concluded there was insufficient evidence of carcinogenicity. The more recent *Report on Carcinogens, Eleventh Edition* identifies substances delisted from the *Report*, and can be found in Appendix B (available on-line at <http://ntp.niehs.nih.gov/go/16183>). IARC currently classifies 5-nitro-*o*-anisidine as Group 3: Not classifiable as to its carcinogenicity to humans. Isosafrole and tris(aziridinyl)-*p*-benzoquinone are also currently classified by IARC as Group 3: Not classified as to their carcinogenicity in humans. A list of all agents currently classified as Group 3 by IARC can be found at <http://monographs.iarc.fr/ENG/Classification/crthgr03.php>.

Since these chemicals were added to the Proposition 65 list by operation of law based on the Labor Code Section incorporation by reference of chemicals identified as known or potential carcinogens within the scope of the federal Hazard Communication Standard (29 CFR 1910.1200), the removal of 5-nitro-*o*-anisidine from designation as such by the NTP and the classification of isosafrole and tris(aziridinyl)-*p*-benzoquinone as Group 3 by IARC means that these chemicals should be

removed from the Proposition 65 list. Therefore, OEHHA proposes to delist isosafrole, 5-nitro-*o*-anisidine, and tris(aziridinyl)-*p*-benzoquinone as chemicals known to the state to cause cancer. This notice announces the opportunity for public comment on the intended action.

<i>Chemical</i>	<i>CAS No.</i>
Isosafrole	120-58-1
5-Nitro- <i>o</i> -anisidine	99-59-2
Tris(aziridinyl)- <i>p</i> -benzoquinone (Triaziquone)	68-76-8

Anyone wishing to provide comments on the intended action delisting these three chemicals should send written comments and any supporting documentation in triplicate by mail (or hand-delivered in person or by courier) or a single copy by e-mail or fax to the address listed below:

Ms. Cynthia Oshita
Office of Environmental Health Hazard Assessment
Street Address: 1001 I Street
Sacramento, California 95814
Mailing Address: P.O. Box 4010
Sacramento, California 95812-4010
Fax No.: (916) 323-8803
Telephone: (916) 445-6900
Via E-mail: coshita@oehha.ca.gov

In order to be considered, comments must be received at OEHHA by 5:00 p.m. on Monday, October 10, 2006.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF EDUCATION

California Fresh Start Pilot Program

This action is the Certificate of Compliance filing making permanent the prior emergency adoption of regulations implementing the California Fresh Start (CFS) Pilot Program. The CFS program is mandated by S.B. 281 (Stats. 2005, Chap. 236). The prior emergency

files related to this Certificate of Compliance filing are OAL file numbers 06-0306-01E and 06-0719-01E.

Title 5

California Code of Regulations

ADOPT: 15566, 15567, 15568 REPEAL: 15569

Filed 08/30/06

Effective 08/30/06

Agency Contact: Debra Strain (916) 319-0641

COMMISSION ON STATE MANDATES

Article 1 Cleanup

The purpose of this rulemaking is to clarify that designees of ex officio Commission members may continue to serve on the Commission until the designation is revoked or replaced by the current constitutional officer or director. It also clarifies that an election shall be conducted as soon as practicable to fill a vacant office (chairperson or vice-chairperson) held by a public member or local elected official.

Title 2

California Code of Regulations

AMEND: 1181.4

Filed 08/23/06

Effective 08/23/06

Agency Contact: Cathy Cruz (916) 323-3562

DEPARTMENT OF FOOD AND AGRICULTURE

Peach Fruit Fly Eradication Area

This is the Certificate of Compliance for 06-0518-02E which amended Title 3 section 3591.12(a) by adding Fresno County to the Peach Fruit Fly Eradication Area.

Title 3

California Code of Regulations

AMEND: 3591.12(a)

Filed 08/23/06

Effective 08/23/06

Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE

Diaprepes Root Weevil Interior Quarantine

This emergency regulatory action expands the area in La Jolla, California currently subject to quarantine for the West Indian Sugarcane root borer (*Diaprepes abbreviatus*).

Title 3

California Code of Regulations

AMEND: 3433(b)

Filed 08/24/06

Effective 08/24/06

Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Diaprepes Root Weevil Interior Quarantine

This emergency action adds the Fairbanks Ranch in San Diego County and a small surrounding area to the existing quarantine for the Diaprepes Root Weevil based upon the discovery of three adult weevils in that area.

Title 3
California Code of Regulations
AMEND: 3433(b)
Filed 08/29/06
Effective 08/29/06
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF HEALTH SERVICES
Secondary Drinking Water Standards

This rulemaking package updates the Secondary Maximum Contaminant Levels ("MCL") for drinking water supplied by community water services in Title 22 section 64449. It also implements a procedure to request a waiver from meeting the requirements of the secondary MCL in the event of a violation (new section 64449.2) and provides guidelines for temporary use of a source that does not meet the secondary MCL standards (new section 64449.4).

Title 22
California Code of Regulations
ADOPT: 64449.2, 64449.4 AMEND: 64449
Filed 08/28/06
Effective 09/27/06
Agency Contact: Don Lee (916) 440-7673

DEPARTMENT OF JUSTICE
Controlled Chemical Substance Permit

In this regulatory action, the Bureau of Narcotic Enforcement of the Department of Justice adopts and amends regulations pertaining to "controlled chemical substance permitting" and "controlled chemical substance program citations."

Title 10
California Code of Regulations
ADOPT: 803, 810, 810.1, 810.2, 810.3, 810.4, 810.5, 810.6, 810.7 AMEND: 800, 801, 802, 804, 806, 807
Filed 08/28/06
Effective 09/27/06
Agency Contact: Ronna Kephart (916) 319-8472

DEPARTMENT OF MOTOR VEHICLES
Commercial Driver License

This is an amendment to Title 13 §28.22 to correct an outdated citation to the Vehicle Code. The current text references Vehicle Code §15250.5 which was repealed

in 2001. The correct citation of Vehicle Code §15250.6 is being added to the regulation.

Title 13
California Code of Regulations
AMEND: 28.22
Filed 08/24/06
Effective 09/23/06
Agency Contact: Randi Calkins (916) 657-8898

DEPARTMENT OF TOXIC SUBSTANCES
CONTROL**Conformity with Federal Manifesting Regulations**

Effective September 5, 2006, the United States Environmental Protection Agency ("EPA") will require all states that are authorized to administer a state hazardous waste program (instead of EPA) to use the EPA sanctioned form. Health and Safety Code section 25159 requires DTSC to revise its regulations as necessary to maintain authorization to administer a state hazardous waste program in lieu of the federal program. Presently, California uses its own form which requires additional information and procedures already enacted in Title 22 of the CCR. This rulemaking package implements the EPA sanctioned form, as well as ensuring the additional regulations unique to California remain intact. California has no discretion to use the new form if it is to continue to administer the state hazardous waste program. Further, California may not use a form in addition to the federal form to monitor additional California requirements. Pursuant to Health and Safety Code section 25159.1, any regulations adopted to maintain California's authorization to administer a state hazardous waste program must be deemed non-substantive, pursuant to Section 100 of Title 1 of the California Code of Regulations for OAL review. Additionally, several other nonsubstantive changes implementing various sections of the Health and Safety Code are included.

Title 22
California Code of Regulations
ADOPT: 66262.27, 66263.24, Appendix 11 to Chapter 14 AMEND: 66260.10, 66262.20, 66262.21, 66262.23, 66262.32, 66262.33, 66262.34, 66262.53, 66262.54, 66262.55, 66262.56, 66262.60, Appendix to chapter 12, 66263.18, 66263.20, 66263.21, 66263.32
Filed 08/24/06
Effective 08/24/06
Agency Contact: Ann Carberry (916) 324-7193

MANAGED RISK MEDICAL INSURANCE
BOARD**National School Lunch Express Enrollment**

This regulatory action is a certificate of compliance for an emergency regulatory action that implemented

Senate Bill 1196 (Chapter 729, Statutes of 2004) which directed the Managed Risk Medical Insurance Board to accept, process, and determine eligibility for the Healthy Families Program (HFP) using the National School Lunch Program (NSLP) Health Coverage Applications and supplemental forms. Pursuant to subsection (c) of section 12693.75 of the Insurance Code, the adoption of the emergency regulatory action was deemed an emergency, exempt from review by the Office of Administrative Law, and remained in effect for not more than 180 days unless readopted.

Title 10
California Code of Regulations
AMEND: 2699.6600
Filed 08/29/06
Effective 08/29/06
Agency Contact: Dennis Gilliam (916) 322-1215

STRUCTURAL PEST CONTROL BOARD
Civil Penalty Action by Commissioners

This regulatory action increases the range of administrative fines against structural pest control licensees pursuant to Business & Professions Code (B&PC) §8617(a) and 3 CCR 6130(a)(1)(A-C). This action also establishes fees for an applicator's license and license renewal pursuant to B&PC §8674. In order to offset this increase in revenue, this action also decreases an operator's license and license renewal fees pursuant to the same statute.

Title 16
California Code of Regulations
AMEND: 1922, 1936, 1948
Filed 08/25/06
Effective 09/24/06
Agency Contact: Kelli Okuma (916) 263-2540

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN MARCH 29, 2006 TO
AUGUST 30, 2006**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

08/23/06 AMEND: 1181.4
08/21/06 AMEND: 1859.2, 1859.70.1, 1859.71.3, 1859.78.5
08/15/06 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.75, 20108.80
08/11/06 AMEND: 1859.2, 1859.40, 1859.51, 1859.70, 1859.93.1, 1859.95, 1859.147, 1859.202, 1866
07/24/06 AMEND: 18944
07/06/06 AMEND: 575.1, 575.2
06/20/06 AMEND: 18537
06/08/06 AMEND: 18526
05/26/06 ADOPT: 18438.5 AMEND: 18438.8
05/25/06 AMEND: 18942
05/24/06 ADOPT: Div. 8, Ch. 111, Sec. 59560
05/24/06 AMEND: 433.1
05/17/06 ADOPT: 22610.1, 22610.2, 22610.3, 22610.4
05/15/06 AMEND: 1859.2, 1859.40, 1859.51, 1859.70, 1859.93.1, 1859.95, 1859.147, Form SAB 50-04
05/08/06 AMEND: 18537.1
04/24/06 AMEND: 20108.70, Division 7
04/10/06 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.75, 20108.80
04/04/06 ADOPT: 18215.1 AMEND: 18225.4, 18428

Title 3

08/29/06 AMEND: 3433(b)
08/24/06 AMEND: 3433(b)
08/23/06 AMEND: 3591.12(a)
08/17/06 AMEND: 3591.19(a)
08/16/06 AMEND: 3433(b)
08/15/06 AMEND: 3700(c)
08/15/06 AMEND: 3700(c)
08/10/06 AMEND: 3591.6(a)
08/01/06 AMEND: 3591.6(a)
08/01/06 AMEND: 3424(b)
07/28/06 AMEND: 3591.2(a)
07/26/06 AMEND: 3700(c)
07/21/06 REPEAL: 1366
07/19/06 ADOPT: 6310 AMEND: 6170

07/18/06	ADOPT: 6960 AMEND: 6000	04/28/06	AMEND: 51026, 53206, 54024, 54100, 54616, 54700, 54706, 55005, 55160, 55300, 55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55401, 55403, 55404, 55512, 55522, 55530, 55605, 55675, 55753.5, 55753.7, 56000, 56050, 56062, 56200, 56201, 56202, 56204
07/17/06	AMEND: 3591.6(a)	04/04/06	AMEND: 11704
07/05/06	AMEND: 3591.6	04/04/06	AMEND: 42920
07/03/06	AMEND: 3589(a)		
06/28/06	AMEND: 3433(b)		
06/12/06	AMEND: 3433(b)		
05/23/06	ADOPT: 3424		
05/23/06	ADOPT: 6580, 6582, 6584		
05/19/06	AMEND: 3433(b)		
05/18/06	ADOPT: 1472.7.2 AMEND: 1472, 1472.4	Title 8	
05/18/06	AMEND: 3591.12(a)	07/31/06	AMEND: 5154.1
05/11/06	AMEND: 3591.19	07/28/06	AMEND: Subchapter 4, Appendix B, Plate B-1-a
04/28/06	AMEND: 1380.19, 1420.10	07/27/06	ADOPT: 3395
04/27/06	AMEND: 3406(b)	07/19/06	ADOPT: 10004, 10005 AMEND: 10133.53, 10133.55
04/13/06	AMEND: 1446.4, 1454.10, 1462.10	07/18/06	AMEND: 3270
04/11/06	AMEND: 3700(c)	06/30/06	AMEND: 9793, 9795
04/11/06	AMEND: 3700(c)	06/26/06	ADOPT: 6858 AMEND: 6505, 6533, 6551, 6552, 6755, 6845, 6657 REPEAL: 6846
04/10/06	AMEND: 3406(b)	06/06/06	AMEND: 5155
03/30/06	AMEND: 3406(b)	05/25/06	AMEND: 4650
Title 4		04/19/06	AMEND: 3395
07/19/06	AMEND: 12358, 12359	04/17/06	AMEND: 2320.4(a)(3)
07/17/06	AMEND: 2240(e)	04/11/06	ADOPT: 32613 AMEND: 32130, 32135, 32140, 32155, 32190, 32325, 32350, 32400, 32450, 32500, 32602, 32604, 32605, 32607, 32609, 32615, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32647, 32648, 32649, 32650, 32680, 32690, 32781, 32980, 33020, 40130
06/20/06	AMEND: 1472	04/04/06	ADOPT: 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6095, 6100, 6105, 6110, 6115, 6120 REPEAL: 1200, 1204, 1205, 1210, 1215, 1216, 1217, 1220, 1225, 1230, 1240, 1250, 1270, 1280
06/01/06	AMEND: 8070(d), 8071(a)(9), 8072, 8073(c), 8074(b), 8076(c)(1)	04/03/06	AMEND: 1720
05/18/06	ADOPT: 12358	Title 9	
05/05/06	AMEND: 150	06/07/06	ADOPT: 10056, 10057
Title 5		05/24/06	ADOPT: 3400
08/30/06	ADOPT: 15566, 15567, 15568 REPEAL: 15569	05/19/06	ADOPT: 1810.100, 1810.110, 1810.200, 1810.201, 1810.202, 1810.203, 1810.203.5, 1810.204, 1810.205, 1810.205.1, 1810.205.2, 1810.206, 1810.207, 1810.208, 1810.209, 1810.210, 1810.211, 1810.212, 1810.213, 1810.214, 1810.214.1, 1810.215, 1810.216
08/15/06	AMEND: 1030.7, 1030.8	04/19/06	AMEND: 10000, 10010, 10015, 10020, 10025, 10030, 10035, 10040, 10045, 10050, 10055, 10060, 10065, 10070,
07/31/06	ADOPT: 1043.2, 1043.4, 1043.6, 1043.8, 1043.10, 1047, 1048 AMEND: 1040, 1041, 1043, 1044 REPEAL: 1042, 1045, 1046		
07/25/06	ADOPT: 1207.1, 1207.2 AMEND: 1204.5		
07/21/06	ADOPT: 15566, 15567, 15568, 15569		
07/14/06	ADOPT: 51016.5, 55183		
06/12/06	ADOPT: 19833.5, 19833.6 AMEND: 19815, 19816, 19816.1, 19819, 19824, 19828.1, 19831		
06/09/06	ADOPT: 19827 AMEND: 19812, 19813, 19814, 19814.1, 19815, 19816, 19817, 19817.1, 19826, 19826.1, 19836, 19851, 19853		
05/25/06	AMEND: 1074		
05/16/06	ADOPT: 51025.5		
05/15/06	ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7		
05/12/06	AMEND: 19819, 19851		

	10080, 10085, 10090, 10095, 10105, 10110, 10115, 10120, 10125, 10130, 10140, 10145, 10150, 10155, 10160, 10165, 10170, 10175, 10185, 10190, 10195	07/27/06	AMEND: 1001, 1005, 1008, 1011, 1014, 1015, 1018, 1052, 1053, 1055, 1056, 1081 and Procedures D-1, D-2, D-10 E-1, F-1, and F-6
Title 10		07/12/06	AMEND: 999.2
08/29/06	AMEND: 2699.6600	06/28/06	ADOPT: 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4030, 4031, 4032, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4045, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066
08/28/06	ADOPT: 803, 810, 810.1, 810.2, 810.3, 810.4, 810.5, 810.6, 810.7 AMEND: 800, 801, 802, 804, 806, 807	06/28/06	ADOPT: 4400(l), 4400(mm), 4401.1, 4406 AMEND: 4440.3 REPEAL: 4400(l), 4406
08/08/06	ADOPT: 3583 AMEND: 3500, 3525, 3527, 3528, 3541, 3542, 3543, 3544, 3563, 3568, 3603, 3622, 3668, 3681, 3682, 3761 REPEAL: 3541	05/23/06	AMEND: 1002(c)
08/02/06	ADOPT: 2790.7	05/22/06	REPEAL: 2033
08/01/06	ADOPT: 5370, 5371, 5372, 5373, 5374, 5375, 5376, 5377	05/22/06	AMEND: 968.44, 968.46
07/28/06	AMEND: 2698.52(c), 2698.53(b), 2698.56(c)	05/12/06	AMEND: 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910
07/26/06	ADOPT: 5280, 5281, 5282, 5283, 5284, 5285, 5286	Title 12	
07/24/06	ADOPT: 2498.6	04/10/06	AMEND: 453.1
07/18/06	AMEND: 2498.5, 2498.6	Title 13	
07/14/06	AMEND: 2632.5, 2632.8, 2632.11	08/24/06	AMEND: 28.22
07/12/06	AMEND: 2498.4.9	07/28/06	AMEND: 154.00
07/12/06	ADOPT: 2190.20, 2190.22, 2190.24	06/30/06	ADOPT: 85.00, 85.02, 85.04, 85.06, 85.08
07/12/06	AMEND: 2697.6	06/29/06	AMEND: 345.16
07/10/06	ADOPT: 2509.21	06/16/06	AMEND: 2023.4
06/30/06	ADOPT: 2194.9, 2194.10, 2194.11, 2194.12, 2194.13, 2194.14, 2194.15, 2194.16, 2194.17	06/15/06	AMEND: 1239
06/19/06	AMEND: 2318.6, 2353.1, 2354	05/22/06	ADOPT: 86500, 86501
06/05/06	AMEND: 3528	05/22/06	AMEND: 425.01
06/01/06	ADOPT: 2695.1(g), 2695.14 AMEND: 2695.1, 2695.2, 2695.7, 2695.8, 2695.9, 2695.10, 2695.12	05/18/06	ADOPT: 550.20 AMEND: 551.11, 551.12
05/25/06	ADOPT: 2188.23, 2188.24, 2188.83 AMEND: 2186.1, 2188.2, 2188.6, 2188.8	05/02/06	ADOPT: 345.07 AMEND: 345.06
05/18/06	AMEND: 2498.6	04/04/06	AMEND: 423.00
04/28/06	ADOPT: 2670.1, 2670.2, 2670.3, 2670.4, 2670.5, 2670.7, 2670.8, 2670.9, 2670.10, 2670.11, 2670.12, 2670.13, 2670.14, 2670.15, 2670.17, 2670.18, 2670.19, 2670.20, 2670.21, 2670.22, 2670.23, 2670.24	Title 14	
04/20/06	AMEND: 2498.5	08/11/06	AMEND: 1261
04/18/06	AMEND: 2498.4.9	08/11/06	AMEND: 7.50
04/18/06	AMEND: 2498.4.9	08/04/06	ADOPT: 701, 702 AMEND: 1.74, 27.15, 27.67, 478.1, 551, 601, 708
03/30/06	AMEND: 2698.52(c), 2698.53(b), 2698.56(c)	07/31/06	ADOPT: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72
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08/16/06	ADOPT: 1084		

4970.20, 4970.21 AMEND: 4970.00,
4970.01 REPEAL: 4970.02, 4970.03,
4970.04
07/28/06 AMEND: 15411
07/28/06 ADOPT: 7.50(b)(178)
07/19/06 ADOPT: 18459.1.2, Forms CIWMB 203,
204 AMEND: 18449, 18450, 18451,
18453.2, 18456, 18456.2.1, 18459,
18459.1, 18459.2.1, 18459.3, 18460.1,
18460.1.1, 18460.2, 18460.2.1, 18461,
18462, 18463, 18464, 18466, Penalty
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07/12/06 AMEND: 507.1
07/11/06 ADOPT: 1723(g) AMEND: 1722(j),
1722, 1722.1, 1722.1.1, 1723(a),
1723.1(c), 1723.1(d), 1723.5,
1723.7(d)(2)(f), 1723.8
07/11/06 AMEND: 15251
06/30/06 AMEND: 11900
06/30/06 AMEND: 360, 361, 362, 363, 364
06/29/06 AMEND: 851.23
06/23/06 AMEND: 1220
06/16/06 AMEND: 895, 895.1, 1038, 1038(f)
06/08/06 AMEND: 746
06/05/06 AMEND: 791.7, Form FG OSPR-1972
05/26/06 AMEND: 670.2
05/23/06 AMEND: 401
05/17/06 AMEND: 182
05/11/06 AMEND: 27.80
05/08/06 ADOPT: 1299
04/21/06 AMEND: 27.60, 28.59
04/17/06 AMEND: 791.7, 793, 795
04/11/06 AMEND: 18454, 18456, 18456.3,
CIWMB form 60
04/10/06 AMEND: 630
04/03/06 ADOPT: 4970, 4970.02, 4970.03,
4970.04, 4970.05, 4970.06, 4970.07,
4970.08, 4970.09, 4970.10, 4970.11,
4970.12, 4970.13, 4970.14, 4970.15,
4970.16, 4970.17, 4970.18, 4970.19,
4970.20, 4970.21 AMEND: 4970.00,
4970.01 REPEAL: 4970.02, 4970.03,
4970.04
04/03/06 ADOPT: 4970.49, 4970.50, 4970.51,
4970.52, 4970.53, 4970.54, 4970.55,
4970.56, 4970.57, 4970.58, 4970.59,
4970.60, 4970.61, 4970.62, 4970.63,
4970.64, 4970.65, 4970.66, 4970.67,
4970.68, 4970.69, 4970.70, 4970.71,
4970.72

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07/27/06 ADOPT: 69200, 69201, 69202, 69203,
69204, 69205, 69206, 69207, 69208,

69209, 69210, 69211, 69212, 69213,
69214 REPEAL: 19030, 19031, 19032,
19033, 19034, 19035, 19036, 19037,
19038, 19039, 19040, 19041, 19042,
19043, 19044

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08/11/06 ADOPT: 4034.0, 4034.1, 4034.2, 4034.3,
4034.4 REPEAL: 4036.0, 4040.0
07/27/06 AMEND: 3000, 3062, 3075, 3210
07/12/06 AMEND: 7001 REPEAL: 2005, 3416,
4020
06/27/06 AMEND: 3341.5
06/09/06 ADOPT: 3040.2 AMEND: 3000, 3040,
3041, 3043, 3043.3, 3043.4, 3043.5,
3043.6, 3044, 3045, 3045.1, 3045.2,
3045.3, 3075
06/06/06 AMEND: 3173.1
05/25/06 AMEND: 3040.1, 3341.5, 3375, 3375.3,
3378
05/22/06 ADOPT: 3043.7 AMEND: 3043.1, 3327,
3328
05/16/06 AMEND: 3999.2
05/16/06 AMEND: 3999.1.10, 3999.1.8
05/01/06 AMEND: 2510, 2511, 2512, 2513
04/24/06 ADOPT: 3054.1, 3054.2, 3054.3, 3054.4,
3054.5, 3054.6 AMEND: 3050, 3051,
3052, 3053, 3054

Title 16

08/25/06 AMEND: 1922, 1936, 1948
08/17/06 ADOPT: 601.5, 642.5 AMEND: 600.1,
601.3, 602, 602.1, 603, 605, 606, 607.4,
608.3, 627
08/10/06 REPEAL: 829
08/04/06 AMEND: 1886.40
08/01/06 ADOPT: 1399.180, 1399.181, 1399.182,
1399.183, 1399.184, 1399.185,
1399.186, 1399.187
07/31/06 AMEND: 3394.4, 3394.6
07/12/06 ADOPT: 1034.1 AMEND: 1021, 1028,
1034
07/03/06 AMEND: 1399.152, 1399.156.4
06/26/06 ADOPT: 1304.5
06/14/06 AMEND: 2537, 2537.1
06/05/06 ADOPT: 2608
06/05/06 AMEND: 2630, 2630.1
06/05/06 AMEND: 3303
06/01/06 ADOPT: 137
05/31/06 ADOPT: 869.9 AMEND: 868, 869
05/30/06 AMEND: 3340.1, 3340.16, 3340.16.5,
3340.17, 3340.41 REPEAL: 3340.16.6
05/22/06 AMEND: 152
05/12/06 AMEND: 1388, 1388.6, 1389, 1392
05/01/06 AMEND: 8.1, 12, 12.5, 21, 69

04/17/06	AMEND: 3353				AMEND: 64426.1, 664432.1, 64451,
04/17/06	AMEND: 1399.465				64453, 64481, 64482, 64483, 64666
03/29/06	ADOPT: 1399.159.01	AMEND:			REPEAL: 64463.2, 64464.1, 64464.3,
	1399.159, 1399.159.1	REPEAL:			64464.6, 64465, 64466, 64467, 64467.5,
	1399.159.4				64468.1, 64468.2, 64468.3, 64468.4
Title 17					
07/28/06	AMEND: 30180, 30235, 30237			07/24/06	ADOPT: 97900, 97901, 97902, 97910,
07/24/06	ADOPT: 100140, 100141, 100142,				97911, 97912, 97913, 97914, 97915,
	100143, 100144, 100145, 100146,				97916, 97917, 97920, 97921, 97922,
	100147, 100148, 100149, 100150			07/20/06	ADOPT: 68400.11, 68400.12, 68400.13,
07/20/06	AMEND: 30100, 30253				68400.14, 68400.15, 68400.16,
07/05/06	AMEND: 95000, 95001, 95002, 95003,				Appendix I AMEND: 67450.7
	95004, 95005, 95006, 95007			06/12/06	AMEND: 51215.6, 51321, 51323,
05/15/06	AMEND: 60201				51535.1, 51542, 51546 REPEAL:
04/20/06	ADOPT: 93119				51124.1, 51215.4, 51335.1, 51511.3
04/17/06	AMEND: 70100, 70100.1, 70200,			06/05/06	ADOPT: 66260.201 AMEND: 66260.10,
	Incorporated Documents				66261.9, 66273.1, 66273.3, 66273.6,
04/10/06	ADOPT: 30346.11, 30346.12 AMEND:				66273.8, 66273.9, 66273.12, 66273.13,
	30345.2, 30346.6, 30348.3				66273.14, 66273.20, 66273.32,
Title 18					
07/27/06	AMEND: 1591				66273.33, 66273.34, 66273.40,
07/11/06	REPEAL: 139				66273.51, 66273.53, 66273.56,
06/23/06	ADOPT: 140, 140.1, 140.2, 143				66273.82, 66273.83, 66273.90,
04/24/06	ADOPT: 19591 AMEND: 19513, 19524				Appendix X to Chapter 11
04/20/06	AMEND: 4905			05/19/06	AMEND: 12805
04/20/06	AMEND: 1707			05/18/06	ADOPT: 64400.38, 64400.40, 64400.45,
Title 19					
07/25/06	AMEND: 3.29, 557.23, 561.2, 567, 568,				64400.47, 64400.67, 64401.65,
	574.1, 575.1, 575.3, 575.4, 594.4, 596.6,				64401.82, 64401.92, 64468.5, 64530,
	606.1 REPEAL: 597.5, 597.6, 597.7,				64531, 64533, 64533.5, 64534, 64534.2,
	597.8, 597.10, 597.11, 603.3, 605.1,				64534.4, 64534.6, 64534.8, 64535,
	606.3, 608.7, 608.8, 614, 614.1, 614.3,				64535.2, 64535.4, 64536, 64536.2,
	614.5, 614.6, 614.7, 614.8				64536.4, 64536.6, 64537, 64537.2,
07/05/06	AMEND: 3062.1, 3063.1				64537.4
Title 20					
06/22/06	AMEND: 1601, 1602, 1604, 1605.3,			05/17/06	ADOPT: 4429 AMEND: 4409, 4400(hh)
	1607				REPEAL: 4400(ii)
Title 21					
07/07/06	AMEND: 7000			05/12/06	ADOPT: 64442, 64443, 64447.3
Title 22					
08/28/06	ADOPT: 64449.2, 64449.4 AMEND:				AMEND: 64415 REPEAL: 64441,
	64449				64443
08/24/06	ADOPT: 66262.27, 66263.24, Appendix			05/10/06	ADOPT: 50960.2, 50960.4, 50960.6,
	11 to Chapter 14 AMEND: 66260.10,				50960.9, 50960.12, 50960.15, 50960.21,
	66262.20, 66262.21, 66262.23,				50960.23, 50960.26, 50960.29,
	66262.32, 66262.33, 66262.34,				50960.32, 50960.34, 50960.36, 50961,
	66262.42, 66262.53, 66262.54,				50965 AMEND: 50962, 50963, 50964
	66262.55, 66262.56, 66262.60,				REPEAL: 50960, 50961
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	66263.20, 66263.21, 66263.32			04/20/06	AMEND: 70577, 70717, 71203, 71517,
08/09/06	REPEAL: 4402.1, 4403, 4408, 4431				71545
08/03/06	AMEND: 12805			04/19/06	ADOPT: 4400(kk) REPEAL: 4414
08/02/06	ADOPT: 64401.71, 64401.72, 64401.73,			04/12/06	AMEND: 4416
	64463, 64463.1, 64463.4, 64465, 64466			Title 22, MPP	
				08/11/06	ADOPT: 102416.2, 102416.3 AMEND:
					102419, 102423
				07/11/06	AMEND: 80019, 80019.1, 80054,
					87219, 87219.1, 87454, 87819, 87819.1,

87854, 88019, 101170, 101170.1,
101195, 102370, 102370.1, 102395

04/24/06 AMEND: Adding a title to Ch. 7,
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Title 23

08/11/06 ADOPT: 3907
08/04/06 ADOPT: 3949.2
08/04/06 ADOPT: 3929
07/25/06 ADOPT: 2814.20, 2814.21, 2814.22,
2814.23, 2814.24, 2814.25, 2814.26,
2814.27, 2814.28, 2814.29, 2814.30,
2814.31, 2814.32, 2814.33, 2814.34,
2814.35, 2814.36, 2814.37
07/21/06 ADOPT: 3949.1
06/30/06 ADOPT: 3949
04/25/06 ADOPT: 2919
04/25/06 ADOPT: 3948
04/10/06 ADOPT: 2917 AMEND: 2914.5

Title 25

05/15/06 AMEND: 6932

Title 27

06/13/06 AMEND: 15241, 15242

Title 28

06/26/06 ADOPT: 1300.67.24 REPEAL:
1300.67.24

Title MPP

07/20/06 AMEND: 63-410
06/26/06 AMEND: 30-757, 30-761
04/03/06 AMEND: 11-501, 42-302, 42-701,
42-711, 42-712, 42-713, 42-715,
42-716, 42-718, 42-719, 42-720,
42-721, 42-722, 42-802, 42-1009,
42-1010, 44-111, 63-407 REPEAL:
42-710